

State of Iowa

1981

JOURNAL OF THE HOUSE

1981

EXTRAORDINARY SESSION

SIXTY-NINTH

GENERAL ASSEMBLY

Convened June 24, 1981

Adjourned June 26, 1981

ROBERT D. RAY, Governor.

TERRY E. BRANSTAD, President of the Senate

DELWYN STROMER, Speaker of the House

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JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, June 24, 1981

Pursuant to the proclamation of the Governor, the Honorable Robert D. Ray, convening the Sixty-ninth General Assembly in Extraordinary Session, the House was called to order at 10:00 a.m. by the Honorable Delwyn Stromer, Speaker of the House.

Prayer was offered by the Reverend Elles Ulland, retired pastor of the Asbury United Methodist Church, Lake Mills.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton, for the duration of the Extraordinary Session, on request of Krewson of Polk; Daggett of Taylor on request of Van Maanen of Mahaska; Poncy of Wapello on request of Connors of Polk.

COMMUNICATION FROM THE GOVERNOR

Pursuant to Article IV, Section XI of the Constitution of the State of Iowa, the following communication from Governor Robert D. Ray was presented and read to the House of Representatives:

June 16, 1981

Ms. Pat Harper
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

Dear Ms. Harper:

Enclosed is my proclamation issued June 16, 1981, calling into Extraordinary Session the Sixty-ninth General Assembly, to convene at 10:00 a.m., on the 24th day of June, 1981.

Sincerely,

Robert D. Ray
Governor

STATE OF IOWA

Executive Department

In The Name And By The Authority Of The State Of Iowa

Proclamation

Whereas, pursuant to legislation enacted by the Sixty-eighth General Assembly in 1980, the General Assembly must vote on legislative and congressional redistricting plans drawn by the Legislative Service Bureau; and

Whereas, the first plan presented to the General Assembly was rejected on May 14, 1981 with a 21 to 28 vote by the Senate; and

Whereas, the Legislative Service Bureau submitted to the General Assembly its second legislative and congressional redistricting plan on June 10, 1981; and

Whereas, the bankruptcy of the Rock Island and Milwaukee Road railroads threaten the loss of essential rail service to portions of Iowa; and

Whereas, skyrocketing road maintenance and construction costs and reduced road user fee collections impair the State's financial ability to maintain safe and adequate roadways; and

Whereas, adequately maintained roads and rail service are essential to the health of Iowa's economy and immediate State action is needed to address the rail service and road financing problems; and

Whereas, the First Session of the Sixty-ninth General Assembly completed its regular business without taking final action on the second redistricting plan and the rail service and road financing problems facing the State; and

Whereas, the incompletion of action on redistricting, rail service and road financing problems is ample reason to convene this General Assembly in Special Session in accordance with Article IV, Section XI of the Constitution of the State of Iowa.

Now, Therefore, I, Robert D. Ray, Governor of the State of Iowa in accordance with Article IV, Section XI of the Constitution of the State of Iowa, do hereby proclaim that the Sixty-ninth General Assembly shall convene in Extraordinary Session at the State Capitol in the City of Des Moines, Iowa, at 10:00 a.m. on the 24th day of June, 1981, and to that end I do call upon and direct the members of the House of Representatives and of the Senate of the Sixty-ninth General Assembly to convene in their respective chambers in the State Capitol at 10:00 a.m. on June 24, 1981, for the purpose which the Assembly is convened, namely the matters of legislative and congressional redistricting, rail service and road financing, and to take legislative action in keeping therewith.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed.

Done at Des Moines this 16th day of June in the year of our Lord one thousand nine hundred and eighty-one.

ROBERT D. RAY
Governor

Attest:

MARY JANE ODELL
Secretary of State

ORGANIZATION OF HOUSE

Pope of Polk moved that the selection of seats, determination of mileage of Representatives, assignment of press seats and organizational matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 1981 Regular Session of the Sixty-ninth General Assembly.

The motion prevailed.

Pope of Polk moved that the Chief Clerk of the House be directed to send a written message to the Senate and to the Governor informing them that the House was duly organized and ready to transact business and receive any messages that they may transmit.

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, pursuant to proclamation of the Governor, duly organized for the 1981 Extraordinary Session of the Sixty-ninth General Assembly and is ready to receive communications from the House of Representatives.

LINDA HOWARTH MACKAY, Secretary

COMMUNICATION RECEIVED

June 8, 1981

The Honorable Delwyn Stromer
Speaker of the House
House of Representatives
State Capitol
LOCAL

Dear Mr. Stromer:

This letter is to inform you that I am resigning my position as Chief Clerk of the House of Representatives effective July 2, 1981.

Sincerely,

Pat H. Harper

ADOPTION OF HOUSE RESOLUTION 20

Pope of Polk asked and received unanimous consent for the immediate consideration of House Resolution 20 as follows and moved its adoption:

HOUSE RESOLUTION 20

By Pope and Avenson

- 1 *Whereas*, the House of Representatives has learned, with
- 2 regret, of the impending resignation of Chief Clerk Pat H.
- 3 Harper; and
- 4 *Whereas*, Pat H. Harper has earned the respect and
- 5 appreciation of the members and staff of the House of
- 6 Representatives during her tenure as Chief Clerk; and
- 7 *Whereas*, Pat H. Harper's efforts to impartially and
- 8 conscientiously serve the House of Representatives are
- 9 appreciated; *Now Therefore*,
- 10 *Be It Resolved by the House of Representatives*,
- 11 That the members and staff express their appreciation to
- 12 Pat H. Harper for a job well done, and wish her all the
- 13 best in her new endeavors.

The motion prevailed and the resolution was adopted.

The House stood at ease at 10:22 a.m., until the fall of the gavel.

The House resumed session at 12:18 p.m., Speaker Stromer in the chair.

On motion by Pope of Polk, the House was recessed at 12:20 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

COMMUNICATION FROM LEGISLATIVE SERVICE BUREAU

The following communication was received from the Legislative Service Bureau on June 10, 1981:

To: Chief Clerk of the Iowa House of Representatives, Secretary of the Iowa Senate, and Members of the Iowa General Assembly

From: Serge H. Garrison, Director, and Gary L. Kaufman, Legal Counsel, Iowa Legislative Service Bureau

Date: June 10, 1981

As required by House File 707, approved May, 1980 by the Sixty-eighth General Assembly and codified as Chapter 42 of the 1981 Code, the accompanying bill embodying a (second) plan of legislative and congressional districting is delivered. At the direction of the Temporary Redistricting Advisory Commission, maps illustrating the plan, summary of the standards for redistricting as required by law, and a statement of the population of each district included in the plan are also being submitted. The summary of the standards for redistricting are provided in this document. The plan submitted and prepared is in strict adherence to the requirements of law.

The House stood at ease at 1:48 p.m., until the fall of the gavel.

The House resumed session at 4:08 p.m., Speaker Stromer in the chair.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Administrative Assistant II	William B. Perkins	13-1 + 0 to 15-1	S-O	2/27/81
Administrative Assistant II	Lisandro P. Thorpe	13-1 + 0 to 15-1	S-O	2/27/81
Administrative Assistant II	Susan K. Hill	13-1 + 1 to 15-1	S-O	3/27/81
Secretary II	Sally A. Rhoads	13-1 + 1 to 15-1 + 1	S-O	2/27/81

Executive Secretary to the Speaker	Janet S. Clayton	23-2 to 23-3	E-FT	4/10/81
Sergeant-at-Arms	Donald R. Emanuel	15-2 to 15-3	S-O	5/08/81
Public Information Office Director	Patricia A. Barry	26-3 to 26-4	P-FT	5/22/81
Research Analyst	Barbara K. Winters	26-3 to 26-4	P-FT	5/08/81
Research Analyst	Tom Patterson	24-2 to 26-2	P-FT	5/08/81
Research Analyst	Bradley L. Kading	26-3 to 26-4	P-FT	6/19/81
Research Analyst	Mary O'Connor	24-1 to 26-1	P-FT	6/05/81
Research Analyst	Cathy Auwaerter	24-1 to 24-2	P-FT	6/19/81
Aide to Public Information	Tanna J. Seifert	3.35 per hour	S-O	6/01/81
Caucus Staff Director	Joseph J. O'Hern	31-6 to 31-7	P-FT	5/22/81
Secretary (Minority Leader)	Catherine A. Sears	13-4 + 3 to 13-5 + 3	E-FT	6/06/81
Secretary (Majority Caucus)	Maryjo F. Welch	15-7 + 1	P-FT	3/30/81

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

Secretary (Majority Caucus)	Dianne Stephenson-Silva		P-FT	3/26/81
Assistant to Public Information Director	Suzanne Searles		P-FT	5/28/81
Aide to Public Information Office	Lisa Wuest		S-O	5/07/81
Secretary (Public Information Office)	P. Ann Blomme		S-O	6/12/81
Research Analyst	M. L. Triggs		P-FT	7/02/81
Research Analyst	Bradley L. Kading		P-FT	7/02/81

JOHNSON of Howard, Chair

COMMUNICATION FROM LEGISLATIVE SERVICE BUREAU

The following communication was received from the Legislative Service Bureau on June 17, 1981:

To: Chief Clerk of the House and Secretary of the Senate

From: Serge H. Garrison, Director of the Legislative Service Bureau

Re: Filing of Plan II, the redistricting plan, as required by Chapter 42 of the Code of Iowa

Date: June 17, 1981

On June 10, 1981, I filed on behalf of the Legislative Service Bureau a second plan embodying legislative and congressional districts. However, because of an error made in preparing maps and the bill embodying the plan, the plan is not in compliance with section 42.4 of the Code. It is my opinion that the plan filed June 10, 1981 is not in compliance with law and may be void, or at least voidable. Therefore I am this day filing a corrected bill embodying a plan of congressional and legislative districts for consideration by the Iowa General Assembly.

COMMUNICATIONS RECEIVED

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

STATE OF COLORADO

House Joint Resolution 1019, a resolution extending to the people of Taiwan, the Republic of China, an invitation to join with Colorado as a sister state.

STATE OF WEST VIRGINIA

House Concurrent Resolution 21, a resolution memorializing the Congress of the United States to support the Continuation of the Federal Black Lung Benefits Program, adopted by the West Virginia Legislature April 4, 1981.

STATE OF CONNECTICUT

May 18, 1981

The Honorable Delwyn Stromer
Speaker of the House of Representatives
State Capitol
Des Moines, Iowa

Dear Speaker Stromer:

My children, Susane and Jim, join me in expressing our gratitude to the members of the House of Representatives for the Resolution passed in honor of our beloved wife and mother, Ella Grasso.

This thoughtful gesture, by the elected representatives of the people of Iowa, is one we will always cherish.

With appreciation,

Sincerely,
Thomas Grasso

AMENDMENTS FILED

H-4434	H.F. 874	Harbor of Mills
H-4435	H.F. 874	Conlon of Muscatine
H-4436	H.F. 874	Harbor of Mills

On motion by Pope of Polk, the House adjourned at 4:10 p.m., until 9:00 a.m., Thursday, June 25, 1981.

JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, June 25, 1981

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

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Wednesday, June 24, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Taylor, for a portion of the day, on request of Van Maanen of Mahaska.

CONSIDERATION OF BILLS

Pursuant to Joint Rule 3 and Senate Concurrent Resolution 32, duly adopted, Pope of Polk called up for consideration **House File 874**, a bill for an act relating to railway transportation by providing for the imposition and collection of a tax on the use of fuel for the propulsion of railway vehicles, for the creation of a special railroad facility fund to which certain tax moneys are credited, for the pledging of the moneys in the special railroad facility fund for obligations issued by the Iowa railway finance authority, for the increase in the amount of outstanding obligations that the Iowa railway finance authority may have, for an expansion and clarification of the powers and duties of the Iowa railway finance authority.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 9:46 a.m., Speaker Stromer in the chair.

Miller of Buchanan offered the following amendment H—4268 filed by him and moved its adoption:

H—4268

- 1 Amend House File 874 as follows:
- 2 1. Title page, by striking line 12.

Amendment H — 4268 lost.

Harbor of Mills offered the following amendment H — 4434 filed by him:

H—4434

1 Amend House File 874 as follows:

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

4 "Section 1. Section 307.29, subsections 1 and
5 3, Code 1981, are amended to read as follows:

6 1. Sixty days after the tax obligations of a
7 railway company which are owed to this state or a
8 political subdivision of this state become delinquent
9 as provided in section 445.37 and remain unpaid, the
10 state department of transportation shall become
11 responsible for collection of the delinquent taxes.

12 The county treasurer of each affected county shall
13 transmit the unpaid tax statement of the railway
14 company to the state department of transportation.

15 3. Upon the acquisition by the department of
16 payment from the railway company in full liquidation
17 of the delinquent taxes including payment by means
18 of transfer of title to rights of way or other real
19 estate, any tax lien existing prior to such the
20 acquisition on the property on which the taxes were
21 delinquent shall be null and is void and the department
22 shall not pay any of those delinquent taxes to the
23 county treasurer. The department shall take title
24 to the rights-of-way or other real estate for
25 administration, management, collection of rents, and
26 disposal and shall credit all moneys collected or
27 received from the rental or disposal of rights-of-
28 way or other real estate to the special railroad
29 facility fund established in section 18 of this Act.
30 Any moneys received as payment for delinquent property
31 taxes shall be credited to the special railroad
32 facility fund established in section 18 of this Act.

33 Sec. 2. Section 307B.2, Code 1981, is amended
34 to read as follows:

35 307B.2 DECLARATION OF NECESSITY AND PURPOSE.

36 The purpose of this chapter is to benefit the citizens
37 of Iowa by improving their general health, welfare
38 and prosperity and insuring the economic and commercial
39 development of the state and by promoting agricultural
40 and industrial improvement. Access to adequate railway
41 transportation facilities is essential to the economic
42 welfare of the state. This One purpose of this chapter
43 is intended to preserve or provide for the citizens
44 of Iowa those railway facilities services now in
45 existence or needed in the state which have a viable
46 future but which for a variety of economic and legal

47 reasons may well go out of service not exist if the
48 state does not provide the financing mechanism
49 contained or other mechanisms referred to in this
50 chapter. It is the intent of the chapter that any

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1 public ownership and control of railway facilities
2 provided for in this chapter be transferred to private
3 ownership as promptly as economically practicable
4 subject to financing requirements. It is further
5 intended that the authority created herein in this
6 chapter be vested with all powers to enable it to
7 accomplish its the purposes of this chapter except
8 the power to operate rolling stock except as incidental
9 to the repair or renovation of a railway facility.

10 It is the further intent of this chapter and of
11 the general assembly that, in order to preserve rail
12 competition and to provide for railway service in
13 this state, the authority work primarily with railroad
14 carriers already providing service in this state based
15 upon their willingness and ability to meet these
16 objectives.

17 Sec. 3. Section 307B.3, subsections 1, 3, and
18 10, Code 1981, are amended to read as follows:

19 1. The establishment of the authority is in all
20 respects for the benefit of the people of the state
21 of Iowa, for the improvement of their health and
22 welfare, for the preservation and creation of
23 employment, and for the promotion of the economy and
24 of agricultural and industrial improvement, which
25 are public purposes.

26 3. There will exist a serious shortage of viable
27 rail lines and railway facilities serving the urban,
28 rural and, agricultural, and industrial communities
29 of the state.

30 10. It is necessary to create a railway finance
31 authority to encourage the investment of private
32 capital and stimulate the construction, rehabilitation
33 and repair of railway facilities and to prevent the
34 abandonment of others through the use of public
35 financing, publicly assisted financing, and other
36 forms of public assistance.

37 Sec. 4. Section 307B.4, subsections 2, 3, and
38 6, Code 1981, are amended to read as follows:

39 2. "Railway facilities" means land, structures,
40 fixtures, buildings and equipment, except rolling
41 stock, necessary or useful in providing railroad
42 transportation services, including, but not limited
43 to, roadbeds, track, trestle, depot, switching and
44 signaling equipment and all necessary, useful and
45 related equipment and appurtenances and all franchises,
46 easements and other interests in land and rights of
47 way necessary or convenient as a site or sites for

48 any of the foregoing or any part of or combination
 49 of the foregoing.
 50 3. "Project costs" as applied to railway facilities

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1 financed under the provisions of this chapter means
 2 the total of all reasonable or necessary costs for
 3 or incidental to the means any portion of the costs
 4 of railway rehabilitation, acquisition, construction,
 5 reconstruction, repair, alteration, improvement or
 6 extension of any railway facilities including, but
 7 not limited to, the cost of, providing, supplementing,
 8 and relocating public capital facilities, studies
 9 and, surveys, plans, specifications, architectural
 10 and engineering services, estimates of costs, legal,
 11 organizational, marketing or other special services,
 12 financing, acquisition, demolition, construction,
 13 equipment and site development of new and rehabilitated
 14 buildings and facilities, rehabilitation,
 15 reconstruction, repair or remodeling of existing
 16 buildings and facilities feasibility studies, and
 17 all other necessary and incidental expenses including,
 18 but not limited to, an initial bond related to the
 19 foregoing, and reimbursement of any moneys advanced
 20 or applied by a governmental agency or other person
 21 for project costs. Project costs include, in
 22 connection with obligations, a principal and interest
 23 reserve together with interest on bonds issued to
 24 finance the railway facilities obligations to a date
 25 not later than six months subsequent to the estimated
 26 date of completion of the railway facilities that
 27 are the object of the financial assistance.

28 6. "Bonds Obligations" means negotiable bonds,
 29 notes or other obligations, except those obligations
 30 to the federal government, evidence of debt, including
 31 interest coupons of the foregoing, issued under this
 32 chapter.

33 Sec. 5. Section 307B.4, Code 1981, is amended
 34 by adding the following new subsections:

35 NEW SUBSECTION. "Financial assistance" means
 36 direct loans and other loans, grants, and forms of
 37 assistance authorized under this chapter.

38 NEW SUBSECTION. "Governmental action" means any
 39 action by a governmental agency relating to the
 40 establishment, development, or operation of railway
 41 facilities that the governmental agency acting has
 42 authority to take or provide for the purpose under
 43 law, including, but not limited to, actions relating
 44 to contracts and agreements, zoning, building, permits,
 45 acquisition and disposition of property, public capital
 46 improvements, utility and transportation service,
 47 taxation, employee recruitment and training, and
 48 liaison and coordination with and among governmental
 49 agencies.

50 NEW SUBSECTION. "Governmental agency" means the

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1 state or any state department, division, commission,
2 institution, or authority; a municipal corporation,
3 county, or township, or any agency thereof; any other
4 political subdivision or public corporation; the
5 United States or any agency thereof; any agency,
6 commission, or authority established pursuant to an
7 interstate compact or agreement; or any combination
8 of the foregoing.

9 NEW SUBSECTION. "Person" means an individual,
10 firm, partnership, association, corporation, or
11 governmental agency, or any combination thereof.

12 NEW SUBSECTION. "Public capital improvements"
13 means capital improvements or facilities including,
14 but not limited to, railroad facilities and related
15 ancillary facilities, that a governmental agency has
16 authority to acquire, pay the costs of, own, maintain,
17 or operate, or to do the foregoing by contract with
18 other persons.

19 NEW SUBSECTION. "Bond proceedings" means the
20 resolution, order, trust agreement, indenture, lease,
21 and other agreements, and amendments, and supplements
22 to the foregoing authorizing or providing for the
23 terms and conditions applicable to or the provisions
24 contained within, or providing for the security of,
25 obligations issued pursuant to this chapter.

26 NEW SUBSECTION. "Bond service charges" means
27 principal, including mandatory sinking fund
28 requirements for retirement of obligations, interest,
29 and redemption premium, if any, required to be paid
30 by the authority on obligations.

31 NEW SUBSECTION. "Pledged receipts" means the
32 revenues and receipts received or to be received by
33 the authority from the lease, operation, or sale or
34 disposition of railway facilities; from loan or other
35 agreements relating to financial assistance; from
36 grants, gifts, or payments on guarantees made to the
37 authority by any person; from accrued interest received
38 from the sale of obligations; from income from the
39 investment of special funds of the authority, including
40 the special railroad facility fund; from the revenues
41 and receipts deposited in the special railroad facility
42 fund; and from any other moneys which are available
43 for the payment of bond service charges.

44 NEW SUBSECTION. "Special railroad facility fund"
45 means the fund created in section 18 of this Act.

46 Sec. 6. Section 307B.5, Code 1981, is amended
47 to read as follows:

48 307B.5 IOWA RAILWAY FINANCE AUTHORITY. There
49 is created an Iowa railway finance authority for the
50 purpose of providing or providing for the financing

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1 of railway facilities and enhancing and continuing
2 the operation of railway facilities as provided in
3 this chapter.

4 Sec. 7. Section 307B.7, subsections 5, 6, 7, 8,
5 10, 12, 13, 14, 15, 17, and 18, Code 1981, are amended
6 to read as follows:

7 5. Acquire railway facilities, whether located
8 within Iowa or a contiguous state, directly or through
9 an agent, by purchase, lease, lease-purchase, gift,
10 devise or otherwise. However, the authority shall
11 not, for the purpose of operating a railroad, purchase
12 or submit a bid for the acquisition of any railroad
13 facility or line for which any other railroad company
14 has submitted a written offer to purchase or is
15 negotiating for the purchase of the railroad facility
16 or line, provided the written offer by a railroad
17 company is for a segment which originates and
18 terminates at the intersection of another railroad
19 main line or a segment which connects to a main line
20 if the line is a branch line and further, if the offer
21 by the railroad company exceeds the salvage value
22 as determined by the trustee, unless upon approval
23 of a resolution by the state transportation commission
24 submitted to the authority stating the best interests
25 of the state and the transportation needs thereof
26 might not be served by such offer or negotiation,
27 the authority may submit a bid for the acquisition.

28 6. Determine the location and construction of
29 and select any railway facility to be financed provided
30 financial assistance under the provisions of this
31 chapter and to acquire, construct, reconstruct,
32 renovate, rehabilitate, improve, extend, replace,
33 maintain, repair and lease the same facility, and
34 to enter into contracts for any of these purposes.

35 7. Enter into contracts, including partnership
36 agreements, with any person, federal or state
37 government or subdivision of a state for the ownership,
38 operation, management or use of a railway facility.

39 8. Designate an agent to determine the location
40 and construction of a railway facility under the
41 provisions of this chapter and as agent of the
42 authority, to construct, reconstruct, renovate,
43 replace, maintain, repair, and lease the same and
44 to enter into contracts for any of these purposes
45 including contracts for the operation, management
46 or use of the railway facility perform its powers
47 under subsections 6 and 7.

48 10. Issue bonds, notes or other obligations for
49 any of its purposes and to refund the same obligations,
50 all as provided for in this chapter. However, the

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1 ~~total outstanding principal amount of bonds obligations~~
2 ~~outstanding at any one time shall not exceed one two~~
3 ~~hundred million dollars at any one time.~~

4 12. Fix ~~and~~, revise ~~and~~, charge, and collect
5 rates, rents, fees and charges for the use of any
6 railway facility or any portion of a facility and
7 ~~to contract with any person, firm or corporation or~~
8 ~~other public or private body in respect to a facility.~~

9 13. Mortgage all or any portion of its railway
10 facilities ~~and the sites, whether then owned or~~
11 ~~thereafter acquired, to finance the in connection~~
12 ~~with the financing of the particular railway facility~~
13 ~~or any portion of the facility.~~

14 14. Extend ~~loans~~ financial assistance for the
15 purpose of ~~financing~~ providing for project costs of
16 a railway facility. Make interest-free loans for
17 rehabilitation of railway tracks, roadbeds, or trestles
18 to persons which have repaid in part the original
19 loan from the authority which was made for the purpose
20 of the acquisition or rehabilitation of railway tracks,
21 roadbeds, or trestles. However, an interest-free
22 loan to a person shall not exceed the amount repaid
23 of the original loan made to that person and one-half
24 of the amount of the interest-free loan repaid to
25 the authority shall be credited to the railroad
26 assistance fund established in section 327H.18.

27 15. Extend ~~loans~~ financial assistance to refund
28 ~~bonds, retire, or refinance obligations, including~~
29 ~~obligations running to the federal government,~~
30 ~~mortgages or advances issued, made or given for the~~
31 ~~project cost of a railway facility including the~~
32 ~~issuing of bonds and making loans to refinance~~
33 ~~indebtedness which costs were incurred for railway~~
34 ~~facilities undertaken and completed prior to or after~~
35 ~~May 20, 1980 when the governing board finds that this~~
36 ~~financing financial assistance is in the public~~
37 ~~interest.~~

38 17. Receive and accept from any public person
39 or governmental agency loans, guarantees, or grants
40 for or in aid of project costs and to receive and
41 accept grants, gifts and other contributions from
42 any source.

43 18. Own a railway facility under this chapter
44 alone, in partnership, or in any other association
45 with any person if necessary or beneficial to preserve
46 part of a railway system, upon the determination,
47 after consultation with the department, that the
48 railway facility is necessary or beneficial to the
49 railway system, and then shall to be relinquished
50 to private nonauthority ownership or operation as

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1 soon as economically practicable.

2 Sec. 8. Section 307B.7, Code 1981, is amended
3 by adding the following new subsections:

4 NEW SUBSECTION. Pledge any funds contained in
5 the special railroad facility fund to the payment
6 of and as security for obligations issued under this
7 chapter.

8 NEW SUBSECTION. Invest moneys in the special
9 railroad facility fund in general or limited
10 partnership interests in a partnership formed to
11 purchase, renovate, and operate a railway facility.

12 NEW SUBSECTION. Serve as a general or limited
13 partner in a partnership formed to purchase, renovate,
14 and operate a railway facility.

15 NEW SUBSECTION. Enter into agreements with persons
16 to develop, equip, furnish, or otherwise develop and
17 operate railway facilities, and make provision in
18 the agreements for railway facilities and governmental
19 actions, as authorized by this chapter and other laws.

20 NEW SUBSECTION. Enter into appropriate arrangements
21 and agreements with a governmental agency for the
22 taking or the providing by that governmental agency
23 of a governmental action.

24 Sec. 9. Section 307B.8, subsections 4, 5, and
25 6, Code 1981, are amended by striking the subsections.

26 Sec. 10. Section 307B.9, Code 1981, is amended
27 by striking the section and inserting in lieu thereof
28 the following:

29 307B.9 OBLIGATIONS. Except as provided in this
30 chapter, all obligations are payable solely out of
31 the pledged receipts as designated in the bond
32 proceedings. Tax funds which the authority receives
33 from the state or a political subdivision of the state
34 shall not be pledged for payment of the obligations,
35 except for those funds deposited in the special
36 railroad facility fund. Obligations shall be
37 authorized by resolution of the board and bond
38 proceedings shall provide for the purpose of the
39 obligations, the principal amount, the principal
40 maturity or maturities, not exceeding twenty-five
41 years from the date of issuance, the interest rate
42 or rates or the maximum interest rate, the date of
43 the obligations and the dates of payment of interest
44 on them, their denomination, and the establishment
45 within or without the state of a place or places of
46 payment of bond service charges. The purpose of the
47 obligations may be stated in the bond proceedings
48 in terms describing the general purpose or purposes
49 to be served. The bond proceedings shall also provide,
50 subject to other applicable bond proceedings, for

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1 the pledge of all or such part, as the authority may
2 determine, of the pledged receipts to the payment
3 of bond service charges, which pledges may be made
4 either prior or subordinate to other expenses, claims,
5 or payments, and may be made to secure the obligations
6 on a parity with obligations issued at other times,
7 if and to the extent provided in the bond proceedings.
8 The pledged receipts so pledged and received by the
9 authority are immediately subject to the lien of the
10 pledge without physical delivery or further act, and
11 the pledge of the pledged receipts is effective and
12 these moneys may be applied to the purposes for which
13 pledged without necessity for an act of appropriation.
14 Every pledge and every covenant and agreement with
15 respect to a pledge made in the bond proceedings may
16 be extended to the benefit of the owners and holders
17 of obligations authorized by this chapter, and to
18 any trustee for owners and holders, for the further
19 security of the payment of the bond service charges.
20 The authority may issue a prospectus or official
21 statement in connection with the offering of
22 obligations. Obligations may be issued in coupon
23 or in registered form, or both. Provision may be
24 made for the registration of obligations with coupons
25 attached as to principal alone or as to both principal
26 and interest, their exchange for obligations so
27 registered, and for the conversion or reconversion
28 into obligations with coupons attached of any
29 obligations registered as to both principal and
30 interest, and for reasonable charges for registration,
31 exchange, conversion, and reconversion. Obligations
32 may be sold at public or private sale at the price,
33 in the manner, and at the time determined by the
34 governing board. Chapter 75 and sections 23.12 through
35 23.16 do not apply to obligations issued under this
36 chapter. All obligations are negotiable instruments.
37 The bond proceedings may contain additional
38 provisions as to:
39 1. The redemption of obligations prior to maturity
40 at the option of the authority at the price and under
41 the terms and conditions provided in the bond
42 proceedings.
43 2. Other terms of the obligation.
44 3. Limitations on the issuance of additional
45 obligations.
46 4. The terms of any trust agreement or indenture
47 securing the obligations or under which the obligations
48 may be issued.
49 5. The deposit, investment, and application of
50 special funds and the safeguarding of moneys on hand

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1 or on deposit, without regard to chapter 453, subject
2 to this chapter, with respect to particular funds
3 or moneys; provided that any bank or trust company
4 which acts as depository of any moneys in the special
5 funds may furnish indemnifying bonds or may pledge
6 the securities as required by the authority.

7 6. The provisions of the bond proceedings which
8 are binding upon the officer, board, commission,
9 authority, agency, department, or other person or
10 body which has the authority under law to take actions
11 as necessary to perform all or any part of the duty
12 required by a provision.

13 7. Any provision which may be made in a trust
14 agreement or indenture.

15 8. Additional agreements with the holders of the
16 obligations, or the trustee for the holders, relating
17 to the obligations or the security for the obligations.

18 Before the authority can incur an obligation for
19 the acquisition or purchase of railway facilities
20 under this chapter, the proceeds of which are to be
21 contributed, loaned, or otherwise provided to a
22 partnership of which the authority is a partner, the
23 other partners of the partnership must pledge to the
24 partnership in the aggregate an amount equal to twenty
25 percent of the amount of the obligations to be incurred
26 for the acquisition or purchase.

27 Sec. 11. Section 307B.10, Code 1981, is amended
28 by striking the section and inserting in lieu thereof
29 the following:

30 307B.10 REFUNDING OF OBLIGATIONS. The board may
31 authorize and issue obligations for the refunding,
32 including funding and retirement, and advance refunding
33 with or without payment or redemption prior to
34 maturity, of any obligations previously issued by
35 the authority. These obligations may be issued in
36 amounts sufficient for payment of the principal amount
37 of the prior obligations, any redemption premiums
38 on the prior obligations, principal maturities of
39 any obligations maturing prior to the redemption of
40 the remaining obligations on a parity with them,
41 interest accrued or to accrue to the maturity date
42 or dates of redemption of the obligations, and any
43 project costs including expenses incurred or to be
44 incurred in connection with this issuance, refunding,
45 funding, and retirement. Subject to the bond
46 proceedings, the portion of proceeds of the sale of
47 obligations issued under this section to be applied
48 to bond service charges on the prior obligations shall
49 be credited to the appropriate account for those prior
50 obligations. Obligations authorized under this section

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1 shall be deemed to be issued for those purposes for
2 which the prior obligations were issued and are subject
3 to the provisions of this chapter pertaining to other
4 obligations. Obligations refunded shall not be
5 considered to be outstanding for purposes of section
6 307B.7, subsection 10.

7 Refunding may be made without regard to whether
8 or not the obligations to be refunded were issued
9 in connection with the same railway facilities,
10 separate railway facilities or for other purposes,
11 and without regard to whether or not the obligations
12 proposed to be refunded shall be payable on the same
13 date or different dates or due serially or otherwise.

14 Sec. 12. Section 307B.11, Code 1981, is amended
15 by striking the section and inserting in lieu thereof
16 the following:

17 307B.11 SECURITY FOR OBLIGATIONS. Obligations
18 may be additionally secured by a trust agreement or
19 indenture between the authority and a corporate trustee
20 which may be any trust company or bank having its
21 principal place of business within the state. Any
22 such agreement, indenture, mortgage, or deed of trust,
23 or any combination thereof, may contain the resolution
24 authorizing the issuance of the obligations, any
25 provisions that may be contained in any bond
26 proceedings, and other provisions which are customary
27 or appropriate in an agreement or indenture of such
28 type, including, but not limited to:

29 1. Maintenance of each pledge, trust agreement,
30 indenture, or other instrument comprising part of
31 the bond proceedings until the authority has fully
32 paid the bond service charges on the obligations
33 secured by the instrument, or provision for payment
34 has been made.

35 2. In the event of default in any payments required
36 to be made by the bond proceedings or any other
37 agreement of the authority made as a part of the
38 contract under which the obligations were issued,
39 enforcement of the payments or agreement by mandamus,
40 appointment of a receiver, suit in equity, action
41 at law, or any combination of these.

42 3. The rights and remedies of the holders of
43 obligations and of the trustee and provisions for
44 protecting and enforcing them, including limitations
45 on rights of individual holders of obligations.

46 4. The replacement of any obligations which become
47 mutilated or are destroyed, lost, or stolen.

48 The principal of and interest on obligations shall
49 be secured as provided in the bond proceedings by
50 the pledge of pledged receipts and by assignment of

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1 leases or other contract rights of the authority,
2 or any person acquiring, leasing, or operating railway
3 facilities assisted under this chapter to third
4 parties, which assignment may cover all or any part
5 of the railway facilities from which the receipts
6 may be derived, including, but not limited to, any
7 enlargements of or additions to any of these railway
8 facilities.

9 Each pledge shall continue in effect until the
10 principal of and interest on the obligations has been
11 fully paid or provision for the payment has been duly
12 made pursuant to the bond proceedings.

13 Sec. 13. Section 307B.12, Code 1981, is amended
14 to read as follows:

15 **307B.12 PAYMENT OF BONDS OBLIGATIONS — NONLIABILITY**

16 **OF STATE.** Bonds Obligations issued under the
17 provisions of this chapter, and judgments based on
18 contract or tort arising from the activities of the
19 authority or persons acting on its behalf, shall are
20 not constitute a debt or liability of the state or
21 of any political subdivision within the meaning of
22 any constitutional or statutory debt limitation and
23 no are not a pledge of the state's credit or taxing
24 power within the meaning of any constitutional or
25 statutory limitation or provision and a holder of
26 obligations does not have a right to have an
27 appropriation shall be made, directly or indirectly,
28 by the state or any political subdivision of the state
29 for the payment of the bonds obligations or judgments,
30 or for the indemnification of a person subject to
31 a judgment arising from that person's actions on the
32 authority's behalf, but. These obligations and
33 judgments are special obligations of the authority
34 payable solely and only from the sources and special
35 funds provided in this chapter. It is the intent
36 of the general assembly that funds from the general
37 fund of the state shall not be used to pay interest
38 or principal on obligations of the authority in the
39 event that receipts from the taxes designated for
40 deposit in the special railroad facility fund are
41 insufficient and the general assembly shall increase
42 the tax rates of those taxes the revenues of which
43 are credited to the special railroad facility fund.

44 Sec. 14. Section 307B.13, Code 1981, is amended
45 by striking the section and inserting in lieu thereof
46 the following:

47 **307B.13 REMEDIES OF HOLDERS OF OBLIGATIONS.**

48 1. The bond proceedings may provide that a holder
49 of obligations or a trustee under the bond proceedings,
50 except to the extent that the holder's rights are

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1 restricted by the bond proceedings, may by legal
2 proceedings, protect and enforce any rights under
3 the laws of this state or granted by the bond
4 proceedings. These rights include the right to compel
5 the performance of all duties of the authority required
6 by this chapter or the bond proceedings; to enjoin
7 unlawful activities; and in the event of default with
8 respect to the payment of any bond service charges
9 on any obligations or in the performance of any
10 covenant or agreement on the part of the authority
11 in the bond proceedings, to apply to a court to appoint
12 a receiver to receive and administer the pledged
13 receipts which are pledged to the payment of the bond
14 service charges on these obligations or which are
15 the subject of the covenant or agreement, with full
16 power to pay and to provide for payment of bond service
17 charges on these obligations and with powers accorded
18 receivers in general equity cases, excluding any power
19 to pledge additional revenues or receipts or other
20 income or moneys of the authority or the state or
21 governmental agencies of the state to the payment
22 of the bond service charges; and if provided in the
23 bond proceedings, the power to take possession of,
24 mortgage, or cause the sale or otherwise dispose of
25 any railway facilities.

26 Each duty of the authority and the authority's
27 board, officers, and employees, and of each
28 governmental agency and its officers, members, or
29 employees, undertaken pursuant to the bond proceedings
30 or any agreement or lease, lease-purchase agreement,
31 or loan made under authority of this chapter, and
32 in every agreement by or with the authority, is a
33 duty of the authority, and of each board, officer,
34 member, or employee having authority to perform this
35 duty, which may be specifically enjoined by the law
36 resulting from an office, trust, or station under
37 chapter 661.

38 2. If the bond proceedings do not contain
39 provisions authorized in subsection 1, if the authority
40 defaults in the payment of principal or interest on
41 obligations as they become due, whether at maturity
42 or upon call for redemption, and the default continues
43 for a period of thirty days, or if the authority fails
44 or refuses to comply with this chapter or defaults
45 in any covenant or agreement in the bond proceedings
46 made for the benefit of the holders of obligations,
47 the holders of twenty-five percent in aggregate
48 principal amount of obligations of the issue then
49 outstanding by instrument filed in the office of the
50 clerk of the county in which the principal office

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1 of the authority is located and proved or acknowledged
2 in the same manner as a deed to be recorded may appoint
3 a trustee to represent the holders of the obligations
4 for the purposes provided in this section.

5 The trustee selected may, and upon written request
6 of the holders of twenty-five percent in aggregate
7 principal amount of the issue of obligations then
8 outstanding, shall:

9 a. Enforce all rights of the holders of the
10 obligations including the right to require the
11 authority to carry out its agreements with the holders
12 and to perform its duties under this chapter.

13 b. Bring suit upon the obligations.

14 c. By action require the authority to account
15 as if it were the trustee of an express trust for
16 the holders.

17 d. By action enjoin any acts or things which are
18 unlawful or in violation of the rights of the holders.

19 e. Declare all the obligations due and payable
20 and, if all defaults are made good then with the
21 consent of the holders of twenty-five percent of the
22 aggregate principal amount of the issue of obligations
23 then outstanding, annul the declaration and its
24 consequences. Before declaring the principal of
25 obligations due and payable, the trustee shall first
26 give thirty days notice in writing to the governor,
27 to the authority, and to the attorney general of the
28 state.

29 The trustee selected shall also have all powers
30 necessary or appropriate for the exercise of functions
31 specifically set forth or incident to the general
32 representation of holders in the enforcement and
33 protection of their rights.

34 3. The district court has jurisdiction of any
35 action by the trustee on behalf of holders. The venue
36 of the action shall be in the county in which the
37 principal office of the authority is located.

38 Sec. 15. Section 307B.14, Code 1981, is amended
39 to read as follows:

40 **307B.14 AUTHORITY AS PUBLIC INSTRUMENTALITY.**

41 The authority is performing a public function on
42 behalf of the state and is a public instrumentality
43 of the state. Income of the authority and all
44 properties owned by or leased by to the authority
45 shall be are exempt from all taxation in the state
46 of Iowa. This chapter shall does not be construed
47 as exempting exempt from taxation properties comprising
48 railway facilities financed financially assisted under
49 any of the provisions of this chapter which are owned
50 by persons or entities other than the authority except

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1 those leased by to the authority.

2 Sec. 16. Section 307B.15, Code 1981, is amended
3 to read as follows:

4 307B.15 POWERS NOT RESTRICTED—LAW COMPLETE IN
5 ITSELF. This chapter shall is not be construed as
6 a restriction or limitation upon any powers which
7 the authority might otherwise have or another
8 governmental agency has under any laws of this state,
9 but shall be construed as is cumulative of to any
10 such powers. No proceedings, referendum, notice or
11 approval shall be is required for the creation of
12 the authority or the issuance of any bonds obligations
13 or any instrument as security except as herein
14 provided; any other law to the contrary
15 notwithstanding; provided, that in this chapter.
16 However, nothing herein shall be construed to deprive
17 in this chapter deprives the state and its governmental
18 political subdivisions of their respective police
19 powers over properties of the authority or to impair
20 impairs any power thereover over the authority of
21 any official or agency of the state and its
22 governmental political subdivisions which may be is
23 otherwise provided by law. *

24 Sec. 17. Chapter 307B, Code 1981, is amended by
25 adding the following new sections:

26 **NEW SECTION. GOVERNMENTAL AGENCIES.** A governmental
27 agency may enter into an agreement with the authority,
28 another governmental agency, or a person to be assisted
29 under this chapter to take or provide for the purposes
30 of this chapter any governmental action it is
31 authorized to take or provide and to undertake on
32 behalf and at the request of the authority any action
33 which the authority is authorized to undertake.
34 Governmental agencies of the state shall cooperate
35 with and provide assistance to the director and the
36 authority in the exercise of their functions under
37 this chapter.

38 **NEW SECTION. BOND ANTICIPATION NOTES.** The power
39 to issue obligations under this chapter includes power
40 to issue obligations in the form of bond anticipation
41 notes and to renew these notes by the issuance of
42 new notes, but the maximum maturity of these notes,
43 including renewals, unless otherwise authorized by
44 the general assembly, shall not exceed five years
45 from the date of the issuance of the original notes.
46 The holders of these notes or interest coupons of
47 the notes have a right to be paid solely from the
48 pledged receipts pledged to the payment of the bonds
49 anticipated, or from the proceeds of those bonds or
50 renewal notes, or both, as the authority provides

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1 in the bond proceedings authorizing the notes. The
2 notes may be additionally secured by covenants of
3 the authority to the effect that the authority will
4 do those acts necessary for the issuance of the bonds
5 or renewal notes in appropriate amount, and either
6 exchange the bonds or renewal notes therefor, or apply
7 the proceeds of the notes to the extent necessary,
8 to make full payment of the principal of and interest
9 on the notes at the time contemplated, as provided
10 in the bond proceedings. For such purpose, the
11 authority may issue bonds or renewal notes in a
12 principal amount and upon terms as necessary to provide
13 funds to pay when required the principal of and
14 interest on the outstanding notes, notwithstanding
15 any limitations prescribed by this chapter. All
16 provisions for and references to obligations in this
17 chapter are applicable to notes authorized under this
18 section to the extent not inconsistent with this
19 section.

20 NEW SECTION. INVESTMENT IN OBLIGATIONS. All
21 banks, trust companies, building and loan associations,
22 savings and loan associations, investment companies
23 and other persons carrying on a banking or investment
24 business, all insurance companies, insurance
25 associations, and other persons carrying on an in-
26 surance business and all executors, administrators,
27 guardians, trustees, and other fiduciaries may legally
28 invest any sinking funds, moneys, or other funds
29 belonging to them or within their control in
30 obligations issued pursuant to this chapter. However,
31 this section does not relieve any persons from a duty
32 of exercising reasonable care in selecting securities
33 for purchase or investment.

34 NEW SECTION. NOTICE. The authority shall publish
35 a notice of its intention to issue obligations in
36 a newspaper published in and with general circulation
37 in the state. The notice shall include a statement
38 of the maximum amount of obligations proposed to be
39 issued, and in general terms, what receipts will be
40 pledged to pay bond service charges on the obligations.
41 An action which questions the legality or validity
42 of obligations or the power of the authority to issue
43 the obligations or the effectiveness or validity of
44 any proceedings adopted for the authorization or
45 issuance of the obligations shall not be brought after
46 sixty days from the date of publication of the notice.

47 Sec. 18. Chapter 307B, Code 1981, is amended by
48 adding the following new section:

49 NEW SECTION. SPECIAL RAILROAD FACILITY FUND.
50 There is created in the office of the state treasurer

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1 a "special railroad facility fund". This fund shall
2 include moneys credited to this fund under section
3 307.29, section 19 of this Act, section 28 of this
4 Act, and other funds which by law may be credited
5 to the special railroad facility fund. The moneys
6 in the special railroad facility fund are hereby
7 appropriated to and for the purposes of the authority
8 as provided in this chapter. The funds in the special
9 railroad facility fund shall not be considered as
10 a part of the general fund of the state, shall not
11 be subject to appropriation for any other purpose
12 by the general assembly, and in determining a general
13 fund balance shall not be included in the general
14 fund of the state but shall remain in the special
15 railroad facility fund to be used for the purposes
16 set forth herein. The state treasurer shall act as
17 custodian of the fund and disburse amounts contained
18 in it as directed by the authority. This fund shall
19 be administered by the authority and may be used to
20 purchase or upgrade railroad right of way and trackage
21 facilities or to purchase general or limited
22 partnership interests in a partnership formed to
23 purchase, upgrade, or operate railroad right of way
24 and trackage facilities, to pay or secure obligations
25 issued by the authority, to pay obligations, judgments,
26 or debts for which the authority becomes liable in
27 its capacity as a general partner, or for any other
28 use authorized under this chapter.

29 Sec. 19. Chapter 435, Code 1981, is amended by
30 adding the following new section:

31 NEW SECTION. For the fiscal years beginning on
32 or after July 1, 1983, the net proceeds of the tax
33 imposed by section 435.2 and penalties collected under
34 this chapter shall be credited to the special railroad
35 facility fund established in section 18 of this Act
36 and any refunds made pursuant to this chapter shall
37 be made from this fund. However, for each fiscal
38 year of the fiscal biennium beginning July 1, 1981
39 and ending June 30, 1983, the total of the net proceeds
40 of the tax imposed by section 435.2 and penalties
41 collected under this chapter in excess of one million
42 fifty thousand dollars collected in the fiscal year
43 beginning July 1, 1981 and in excess of one million
44 one hundred forty thousand dollars collected in the
45 fiscal year beginning July 1, 1982 shall be credited
46 to the special railroad facility fund.

47 Sec. 20. Sections 21 through 28 of this Act shall
48 be codified as a separate chapter.

49 Sec. 21. NEW SECTION. PURPOSE. The purpose of
50 this chapter is to impose an excise tax upon the use

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1 within this state of fuel to power railway vehicles.

2 Sec. 22. NEW SECTION. DEFINITIONS. As used in
3 this chapter, unless the context otherwise requires:

4 1. "Fuel" means a combustible gas or liquid
5 suitable for the generation of power for the propulsion
6 of railway vehicles, except that it does not include
7 motor fuel as defined in section 324.2.

8 2. "Department" means the department of revenue.

9 3. "Railway vehicle" means a vehicle designed
10 and used primarily upon railways for self propulsion
11 or for propelling conveyances.

12 4. "Railroad company" means a person responsible
13 for the operation of a railway vehicle within this
14 state.

15 Sec. 23. NEW SECTION. TAX IMPOSED. For the
16 privilege of operating railway vehicles in this state,
17 an excise tax is imposed at the rate of three cents
18 per gallon beginning October 1, 1981 and is imposed
19 at the rate of eight cents per gallon beginning July
20 1, 1982 upon the use of fuel for the propulsion of
21 a railway vehicle within the state. The tax attaches
22 at the time of use and shall be paid monthly to the
23 department by the railroad company using the fuel.
24 Fuel dispensed in this state shall only be through
25 meters which have been approved for accuracy by the
26 department of agriculture and sealed by the department.
27 Fuel dispensed through sealed meters shall be presumed
28 taxable unless the railroad company proves otherwise.

29 Sec. 24. NEW SECTION. RAILROAD COMPANY LICENSE.

30 A railroad company responsible for paying the tax
31 imposed by this chapter shall obtain a license from
32 the department. To obtain a license a railroad company
33 shall file an application with the department which
34 shall include the following information:

35 1. The name of the railroad company.

36 2. The location of its principal office within
37 the state, if any.

38 3. A list of each location where fuel will be
39 dispensed on a regular basis.

40 4. Other information the director of revenue
41 requires.

42 Sec. 25. NEW SECTION. RAILROAD COMPANY REPORTS,
43 TAX COMPUTATION AND TAX PAYMENT. For the purpose
44 of determining a railroad company's tax liability,
45 each railroad company required to obtain a license
46 under this chapter shall file with the department
47 a monthly report. The report shall be filed by the
48 end of the month following the month of use. The
49 report shall include the following information:

50 1. The total gallons of fuel dispensed in Iowa.

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1 2. The total gallons of fuel dispensed in Iowa
2 and placed in railway vehicles used solely within
3 the state during the reporting period.

4 3. The total gallons of fuel dispensed in Iowa
5 for nontaxable purposes.

6 4. The total gallons of fuel dispensed in Iowa
7 and placed in railway vehicles used within and without
8 the state.

9 5. The total gallons of fuel dispensed outside
10 Iowa and placed into railway vehicles traveling within
11 and without the state.

12 6. Other information the director of revenue
13 requires.

14 The report shall be accompanied by a payment equal
15 to the tax due. The taxable gallons of fuel shall
16 be computed by adding the number of gallons of fuel
17 dispensed in Iowa and placed into railway vehicles
18 traveling solely within the state during the reporting
19 period and the result of multiplying the total gallons
20 of fuel used in railway vehicles traveling within
21 and without Iowa by a fraction the numerator of which
22 is miles traveled in Iowa by railway vehicles traveling
23 within and without Iowa, and the denominator of which
24 is the total miles traveled by the same railway
25 vehicles. The tax shall be computed by multiplying
26 the taxable gallons times the per gallon tax rate.

27 Sec. 26. NEW SECTION. RECORDS RETAINED. Records
28 reasonably required by the department shall be retained
29 by the railroad company for three years.

30 Sec. 27. NEW SECTION. STATUTES APPLICABLE. The
31 department shall administer the taxes imposed by this
32 chapter in the same manner as and subject to division
33 IV of chapter 324.

34 Sec. 28. NEW SECTION. DEPOSIT OF REVENUES. The
35 net proceeds of the excise tax imposed on the use
36 of fuel in railway vehicles and any penalties collected
37 under this chapter shall be credited to the special
38 railroad facility fund established in section 18 of
39 this Act.

40 Sec. 29. Section 1 of this Act takes effect July
41 1, 1982 for delinquent property taxes collected on
42 or after the effective date.

43 Sec. 30. This Act, except for section 1, being
44 deemed of immediate importance, takes effect from
45 and after its publication in the Muscatine Journal,
46 a newspaper published in Muscatine, Iowa, and in The
47 Red Oak Express, a newspaper published in Red Oak,
48 Iowa."

Harbor of Mills offered the following amendment H-4436, to amendment H-4434, filed by him and moved its adoption:

H-4436

- 1 Amend amendment H-4434 to House File 874 as
- 2 follows:
- 3 1. Page 4, line 2, by inserting after the word
- 4 "corporation," the word "city,".

Amendment H-4436 was adopted.

Pavich of Pottawattamie offered the following amendment H-4441, to amendment H-4434, filed by Pavich, Connors, Gettings, Woods and Byerly from the floor:

H-4441

- 1 Amend amendment H-4434 to House File 874 as follows:
- 2 1. Page 5; line 38, by inserting after the word
- 3 "facility." the words "Provisions shall be made in
- 4 any contract or partnership agreement entered into
- 5 by the authority that any additional jobs which may
- 6 result from the ownership, operation, management,
- 7 or use of a railway facility shall be offered, when
- 8 practicable, to former employees of the Milwaukee
- 9 Road or Rock Island railroad companies."

The following amendment H-4455, to amendment H-4441 (to amendment H-4434) filed by Doderer of Johnson from the floor was adopted by unanimous consent:

H-4455

- 1 Amend amendment H-4441 to amendment H-4434 to House
- 2 File 874, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "to" the word "qualified".

Pavich of Pottawattamie moved the adoption of amendment H-4441, to amendment H-4434.

A non-record roll call was requested.

The ayes were 72, nays 22.

Amendment H—4441, as amended, was adopted.

Speaker pro tempore Menke of O'Brien in the chair at 10:53 a.m.

Conlon of Muscatine offered the following amendment H—4435, to amendment H—4434, filed by him and moved its adoption:

H—4435

- 1 Amend amendment H—4434 to House File 874 as
- 2 follows:
- 3 1. Page 11, by striking lines 35 and 36, and
- 4 by inserting in lieu thereof the words "funds provided
- 5 in this chapter. Funds from the general".
- 6 2. Page 11, by striking lines 41 through 43,
- 7 and by inserting in lieu thereof the word "insuffic-
- 8 ient.".

Amendment H—4435 was adopted.

Conlon of Muscatine offered the following amendment H—4444, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4444

- 1 Amend amendment H—4434 to House File 874 as
- 2 follows:
- 3 1. Page 14, line 33, by striking the word "is"
- 4 and inserting in lieu thereof the following: "and
- 5 the agency are".
- 6 2. Page 15, line 15, by inserting after the
- 7 word "chapter" the following: ", other than the
- 8 limitation contained in section 307B.7, subsection
- 9 10".

Amendment H—4444 was adopted.

Conlon of Muscatine offered amendment H—4438, to amendment H—4434, filed by him from the floor and requested division as follows:

H—4438

- 1 Amend amendment H—4434 to House File 874 as
- 2 follows:

H-4438A

- 3 1. Page 15, line 4, by inserting after the
- 4 word "acts" the words "authorized by this chapter
- 5 and".
- 6 2. Page 15, line 12, by inserting after the
- 7 word "as" the words "are authorized by this chapter
- 8 and are".

H-4438B

- 9 3. Page 15, by striking lines 14 and 15, and
- 10 by inserting in lieu thereof the words "interest on
- 11 the outstanding notes. All".

H-4438A

- 12 4. Page 15, line 37, by striking the word "incude"
- 13 and inserting in lieu thereof the word "include".

On motion by Conlon of Muscatine, amendment H-4438A was adopted.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H-4438B.

Miller of Buchanan offered the following amendment H-4451, to amendment H-4434, filed by him from the floor and moved its adoption:

H-4451

- 1 Amend the Harbor amendment, H-4434, to House File
- 2 874 as follows:
- 3 1. Page 7, line 1, by inserting after the word
- 4 "practicable" the words "or when bids are received
- 5 from a railroad company".

A non-record roll call was requested.

The ayes were 32, nays 56.

Amendment H-4451 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello on request of Connors of Polk.

Miller of Buchanan offered the following amendment H—4452, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4452

- 1 Amend amendment H—4434 to House File 874, as
- 2 follows:
- 3 1. Page 7, line 1, by inserting after the word
- 4 "practicable." the words "The authority shall
- 5 relinquish ownership to any railroad which is willing
- 6 to purchase the railway facility and to guarantee
- 7 service."

Roll call was requested by Schneklath of Scott and Tyrrell of Iowa.

Rule 80 was invoked.

On the question "Shall amendment H—4452 be adopted?"

The ayes were, 45:

Binneboese	Byerly	Clark, J. H.	Clements
Conlon	Corey	Crabb	De Groot
Diemer	Gettings	Gross	Hall
Hoffmann	Horn	Hummel	Jay
Johnson, J.	Johnson, R.	Kirkenslager	Loneragan
Mann	Maulsby	Miller	O'Kane
Oxley	Pavich	Petrick	Renaud
Renken	Running	Schneklath	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Swartz	Swearingen	Tofte
Tyrrell	Walter	Welden	Welsh
Woods			

The nays were, 49:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Cochran	Connolly	Connors	Cook

Crawford	Danker	Davitt	Dieleman
Egenes	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Holt
Howell	Jochum	Johnson, W.	Krewson
Lageschulte	Lloyd-Jones	McKean	Mullins
Norland	Pellett	Poffenberger	Pope
Rapp	Ritsema	Schroeder	Shimaneck
Stromer	Sullivan	Trucano	Van Maanen
Mr. Speaker (Menke)			

Absent or not voting, 6:

Cusack	Daggett	Doderer	Lind
Pelton	Poney		

Amendment H—4452 lost.

Cochran of Webster offered the following amendment H—4443, to amendment H—4434, filed by him from the floor:

H—4443

- 1 Amend Amendment H—4434 to House File 874 as
- 2 follows:
- 3 1. Page 16, line 3, by inserting after the
- 4 number "307.29," the words and numbers "section
- 5 422.43, section 423.2,".
- 6 2. Page 16, line 3, by striking the words
- 7 "section 28 of this".
- 8 3. Page 16, line 4, by striking the word
- 9 "Act,".
- 10 4. Page 16, by inserting after line 28 the
- 11 following:
- 12 "Sec. . Section 422.43, Code 1981, is amended
- 13 by adding the following new unnumbered paragraph:
- 14 **NEW UNNUMBERED PARAGRAPH.** In addition to the tax
- 15 at the rate of three percent imposed under this
- 16 section, there is imposed an additional tax at the
- 17 rate of one-tenth of one percent to be added to the
- 18 existing tax rate. Notwithstanding any other provision
- 19 of this section, all revenues arising from the
- 20 imposition of the additional one-tenth of one percent
- 21 tax shall be credited to the special railroad facility
- 22 fund established in section 18 of this Act.
- 23 Sec. . Section 423.2, Code 1981, is amended by
- 24 adding the following new unnumbered paragraph:
- 25 **NEW UNNUMBERED PARAGRAPH.** In addition to the tax
- 26 at the rate of three percent imposed under this section,
- 27 there is imposed an additional tax at the rate of one-

- 28 tenth of one percent to be added to the existing tax rate.
 29 Notwithstanding section 423.24, all revenues arising
 30 from the imposition of the additional one-tenth of one
 31 percent tax shall be credited to the special railroad facility
 32 fund established in section 18 of this Act."
 33 5. Page 16, by striking line 47 through page 18,
 34 line 39.
 35 6. Title page, by striking lines 2 and 3 and
 36 inserting in lieu thereof the words "an additional
 37 sales, services, and use tax, for the creation".
 38 7. By numbering, renumbering and correcting
 39 internal references as necessary.

Conlon of Muscatine rose on a point of order that amendment
 H—4443 was not germane.

The Speaker ruled the point well taken and amendment
 H—4443 not germane.

Cochran of Webster moved that the rules be suspended to con-
 sider amendment H—4443.

Roll call was requested by Cochran of Webster and Davitt of
 Warren.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider
 amendment H—4443?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Davitt	Dieleman	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Lloyd-Jones
Lonergan	Miller	Norland	O'Kane
Oxley	Pavich	Rapp	Renaud
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon

Cook	Corey	Crabb	Crawford
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Kirkenslager
Krewson	Lageschulte	Mann	Maulsby
McKean	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schneklloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stromer	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker (Menke)	

Absent or not voting, 5:

Cusack	Daggett	Lind	Pelton
Poncy			

The motion lost.

Pavich of Pottawattamie offered the following amendment H-4442, to amendment H-4434, filed by him from the floor and moved its adoption:

H-4442

- 1 Amend amendment H-4434 to House File 874 as follows:
- 2 1. Page 16, by inserting after line 28 the
- 3 following:
- 4 "Notwithstanding any other provision of this
- 5 section, all moneys credited to the special rail-
- 6 road facility fund under section 28 of this Act shall
- 7 be refunded to the railroad companies from which the
- 8 moneys were received if the courts rule invalid or
- 9 illegal under the laws or constitution of the United
- 10 States or of this state the tax imposed under sections
- 11 21 through 28 of this Act or if the courts rule invalid
- 12 or illegal under the laws or constitution of this
- 13 state the issuance of bonds or bond anticipation notes
- 14 by the Iowa railway finance authority under chapter
- 15 307B."

A non-record roll call was requested.

The ayes were 32, nays 60.

Amendment H-4442 lost.

Speaker Stromer in the chair at 11:39 a.m.

Pavich of Pottawattamie offered the following amendment H—4445, to amendment H—4434, filed by Pavich, Spear and Walter from the floor and moved its adoption:

H—4445

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 17, line 28, by inserting after the word
- 3 "otherwise." the words "However, the tax imposed under
- 4 this chapter is not imposed upon the use of fuel for
- 5 the propulsion of railway vehicles by a railroad
- 6 company which owns less than twenty-five miles of
- 7 mainline track in this state."

A non-record roll call was requested.

The ayes were 20, nays 69.

Amendment H—4445 lost.

Pope of Polk moved the previous question on the filing of amendments and amendments to amendments on House File 874.

A non-record roll call was requested.

The ayes were 53, nays 39.

The motion prevailed.

On motion by Pope of Polk, the House was recessed at 11:59 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-four members present, thirty-six absent.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 874**, a bill for an act relating to railway transportation by providing for the imposition and collection of a tax on the use of fuel for the propulsion of railway vehicles, for the creation of a special railroad facility fund to which certain tax moneys are credited, for the pledging of the moneys in the special railroad facility fund for obligations issued by the Iowa railway finance authority, for the increase in the amount of outstanding obligations that the Iowa railway finance authority may have, for an expansion and clarification of the powers and duties of the Iowa railway finance authority, and amendment H—4434, as amended.

Miller of Buchanan offered the following amendment H—4464, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4464

- 1 Amend the Harbor amendment, H—4434, to House File
- 2 874 as follows:
- 3 1. Page 1, line 26, by striking the words "credit
- 4 all" and inserting in lieu thereof the words
- 5 "distribute all moneys received to the county treasurer
- 6 of the counties in which delinquent property taxes
- 7 are owed. When claims for delinquent property taxes,
- 8 including penalty and interest, are satisfied, all
- 9 additional".
- 10 2. Page 1, line 31, by inserting after the word
- 11 "be" the words "apportioned to the county treasurer
- 12 of each county in which delinquent property taxes,
- 13 including penalty and interest are owed. When all
- 14 claims for delinquent property taxes, including penalty
- 15 and interest, are satisfied, any other moneys received
- 16 shall be".

Roll call was requested by Miller of Buchanan and Pavich of Pottawattamie.

On the question "Shall amendment H—4464 be adopted?"

The ayes were, 41:

Avenson
Clements
Cusack

Binneboese
Cochran
Davitt

Byerly
Connors
Gettings

Clark, J. H.
Crabb
Hall

Halvorson, R. N.	Horn	Johnson, J.	Kirkenslager
Lind	Lonergan	Mann	Maulsby
Miller	O'Kane	Oxley	Pavich
Petrick	Renaud	Renken	Running
Schneklath	Smalley	Smith	Spear
Stueland	Sturgeon	Swartz	Trucano
Tyrrell	Walter	Welden	Welsh
Woods			

The nays were, 54:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Bruner	Carl
Carpenter	Chioldo	Clark, B. J.	Conlon
Connolly	Cook	Corey	Crawford
Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Gross	Groth
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lloyd-Jones	Menke
Mullins	Norland	Pellett	Poffenberger
Pope	Rapp	Ritsema	Schroeder
Shimanek	Shull	Sullivan	Swearingen
Van Maanen	Mr. Speaker		

Absent or not voting, 5:

Daggett	McKean	Pelton	Poney
Tofte			

Amendment H—4464 lost.

The House stood at ease at 1:53 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4434, as amended, to House File 874, at 3:27 p.m., Speaker Stromer in the chair.

Miller of Buchanan offered the following amendment H—4448, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4448

- 1 Amend the Harbor amendment, H—4434, to House File
- 2 874 as follows:
- 3 1. Page 3, lines 5 and 6, by striking the words
- 4 "improvement or extension" and inserting in lieu
- 5 thereof the words "or improvement or extension".

Amendment H—4448 lost.

Miller of Buchanan offered the following amendment H—4449, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4449

- 1 Amend the Harbor amendment, H—4434, to House File
- 2 874 as follows:
- 3 1. Page 4, lines 16 and 17, by striking the words
- 4 "maintain, or operate" and inserting in lieu thereof
- 5 the words "or maintain".

Amendment H—4449 was adopted.

Byerly of Polk offered the following amendment H—4454, to amendment H—4434, filed by Byerly, Pavich and Woods from the floor and moved its adoption:

H—4454

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 5, line 4, by inserting after the word
- 3 "subsections" the figure "2,".
- 4 2. Page 5, by inserting after line 6 the following:
- 5 "2. Adopt rules under chapter 17A for the
- 6 regulation of its affairs and to carry out its duties
- 7 and responsibilities. The authority is an agency
- 8 as that term is defined in chapter 17A and is subject
- 9 to the provisions of chapter 17A."

Amendment H—4454 was adopted.

Mann of Greene offered the following amendment H—4462, to amendment H—4434, filed by her from the floor and moved its adoption:

H—4462

- 1 Amend amendment H—4434 to House File 874, as
- 2 follows:
- 3 1. Page 6, line 2, by striking the words
- 4 "one two" and inserting in lieu thereof the word
- 5 "one".
- 6 2. Page 18, by inserting after line 48, the
- 7 following:
- 8 "2. Title page, by striking lines 7 through 9
- 9 and inserting in lieu thereof the following:
- 10 "by the Iowa railway finance authority, for an
- 11 expansion"."

Amendment H—4462 lost.

Smalley of Polk offered the following amendment H—4456, to amendment H—4434, filed by him and Byerly of Polk from the floor and moved its adoption:

H—4456

- 1 Amend amendment H—4434 to House File 874 as
- 2 follows:
- 3 1. Page 7, by inserting after line 25 the
- 4 following:
- 5 "Sec. . Section 307B.8, Code 1981, is
- 6 amended by adding the following new subsection:
- 7 **NEW SUBSECTION.** Consult with the Iowa
- 8 conservation commission before taking any action
- 9 that substantially affects wildlife habitat."

Amendment H—4456 was adopted.

Bruner of Story offered the following amendment H—4457, to amendment H—4434, filed by Bruner, Johnson of Linn, Branstad, Lloyd-Jones, and Clark of Cerro Gordo from the floor and moved its adoption:

H—4457

- 1 Amend amendment H—4434 to House File 874 as
- 2 follows:
- 3 1. Page 7, line 46, by inserting after the word
- 4 "charges." the following new sentence: "As much as
- 5 is practicable within the legal and fiscal limita-
- 6 tions inherent in bond issuance, a portion of the
- 7 bonds shall be issued in denominations of five
- 8 thousand (5,000) dollars and smaller, in order to
- 9 allow smaller investors in the state to purchase
- 10 the bonds."

Amendment H—4457 was adopted.

Miller of Buchanan offered the following amendment H—4458, to amendment H—4434, filed by him from the floor:

H—4458

- 1 Amend the Harbor amendment, H—4434, to House File
- 2 874 as follows:
- 3 1. By striking from page 13, line 38 through page
- 4 14, line 1.

- 5 2. Renumber sections and correct internal
- 6 references as are necessary in accordance with this
- 7 amendment.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—4458.

Miller of Buchanan offered the following amendment H—4465, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4465

- 1 Amend the Harbor amendment, H—4434, to House File
- 2 874 as follows:
- 3 1. Page 13, line 44, by striking the words "owned
- 4 by or" and inserting in lieu thereof the words "~~owned~~
- 5 ~~or~~".
- 6 2. Page 13, line 46, by inserting after the period
- 7 the words "Railroad property owned by the authority
- 8 shall be subject to property taxes."

A non-record roll call was requested.

The ayes were 37, nays 53.

Amendment H—4465 lost.

Clements of Scott offered the following amendment H—4461, to amendment H—4434, filed by him from the floor:

H—4461

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 13, line 45, by striking the words "exempt
- 3 from all" and inserting in lieu thereof the words
- 4 "not exempt from all".

Harbor of Mills asked for unanimous consent to suspend House Rule 25 to allow Ian MacGillivray, Department of Transportation, to be present in the House chamber during consideration of House File 874.

Objection was raised.

Harbor of Mills moved that House Rule 25 be suspended to allow Ian MacGillivray, Department of Transportation, to be present in the House chamber during consideration of House File 874.

Cochran of Webster 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.

Pope of Polk moved that House Rule 25 be suspended to allow Ian MacGillivray to be present in the House chamber during consideration of House File 874.

A non-record roll call was requested.

The ayes were 65, nays 20.

The motion prevailed and House Rule 25 was suspended.

Miller of Buchanan asked for unanimous consent to suspend House Rule 25 to allow Richard Barr, Iowa Railway Association, to be present in the House chamber during consideration of House File 874.

Objection was raised.

Miller of Buchanan moved that House Rule 25 be suspended to allow Richard Barr, Iowa Railway Association, in the House chamber during consideration of House File 874.

Roll call was requested by Pope of Polk and Menke of O'Brien.

Rule 80 was invoked.

On the question "Shall House Rule 25 be suspended?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Clements	Cochran	Connolly	Connors
Cook	Cusack	Davitt	Dieleman

Gettings	Gross	Groth	Hall
Halvorson, R. N.	Horn	Howell	Johnson, R.
Kirkenslager	Lind	Lloyd-Jones	Lonergan
Mann	McKean	Miller	Norland
O'Kane	Oxley	Pavich	Petrick
Rapp	Renaud	Running	Schneklloth
Smith	Sturgeon	Swartz	Welsh
Woods			

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Corey
Crabb	Crawford	Danker	De Groot
Diemer	Doderer	Egenes	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Holt
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Krewson	Lageschulte	Maulsby
Menke	Mullins	Pellett	Poffenberger
Pope	Renken	Ritsema	Schroeder
Shimanek	Shull	Smalley	Spear
Stueland	Sullivan	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Mr. Speaker			

Absent or not voting, 6:

Chiodo	Daggett	Hoffmann	Pelton
Poncy	Swearingen		

The motion lost.

Tyrrell of Iowa asked and received unanimous consent to defer action on amendment H—4461.

Mann of Greene offered the following amendment H—4463, to amendment H—4434, filed by her from the floor:

H—4463

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 15, by inserting after line 46 the
- 3 following:
- 4 "NEW SECTION. CONFLICT OF INTEREST. An employee
- 5 or director of the authority or the department of
- 6 transportation shall not obtain direct or indirect
- 7 benefit from the issuance of obligations or the
- 8 acquisition of railroad facilities under this chapter.
- 9 Such individual must resign if that individual receives
- 10 or will receive any such direct or indirect benefit."

Hanson of Delaware asked for unanimous consent to amend amendment H—4463 by striking the words “or indirect” on lines 6 and 10.

Objection was raised.

Mann of Greene moved the adoption of amendment H—4463, to amendment H—4434.

Amendment H—4463 lost.

Mann of Greene offered the following amendment H—4466, to amendment H—4434, filed by her from the floor and moved its adoption:

H—4466

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 15, by inserting after line 46 the
- 3 following:
- 4 “**NEW SECTION. OFFER TO PURCHASE TO SERVING CARRIER.**
- 5 If any section of railroad lines between major
- 6 terminals acquired by the authority returns an amount
- 7 in lease payments to the authority in excess of two
- 8 times the amount of the obligation incurred by the
- 9 authority to acquire that section, the authority shall
- 10 offer for purchase to the carrier serving that section
- 11 of railroad lines for an amount not to exceed the
- 12 original cost of acquisition of and of improvements
- 13 to that section by the authority.”

Amendment H—4466 lost.

The House resumed consideration of amendment H—4461 filed by Clements of Scott from the floor.

Speaker pro tempore Menke of O'Brien in the chair at 5:04 p.m.

Clements of Scott moved the adoption of amendment H—4461, to amendment H—4434.

Roll call was requested by Mann of Greene and Clements of Scott.

On the question “Shall amendment H—4461 be adopted?”

The ayes were, 21:

Binneboese	Byerly	Clark, J. H.	Clements
Connors	Horn	Johnson, J.	Kirkenslager
Lind	Lonerган	Mann	Miller
O'Kane	Pavich	Renaud	Running
Smalley	Spear	Swartz	Welden
Woods			

The nays were, 73:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Crawford	Cusack
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lloyd-Jones	Maulsby	McKean
Mullins	Norland	Pellett	Petrick
Poffenberger	Pope	Rapp	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smith	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Mr. Speaker (Menke)			

Absent or not voting, 6:

Daggett	Danker	Oxley	Pelton
Poncy	Stromer		

Amendment H—4461 lost.

Miller of Buchanan offered the following amendment H—4467, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4467

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 15, by inserting after line 46 the
- 3 following:
- 4 "NEW SECTION. The authority is authorized to use

5 any means it deems are justified in order to guarantee
 6 that a person whom the authority has employed as a
 7 contractor under this chapter pays all moneys that
 8 that person may owe for workers' compensation under
 9 chapters 85, 85A, and 85B, or employment security
 10 under chapter 96."

A non-record roll call was requested.

The ayes were 62, nays 27.

Amendment H—4467 was adopted.

Byerly of Polk offered the following amendment H—4468, to amendment H—4434, filed by him from the floor:

H—4468

1 Amend amendment H—4434 to House File 874 as follows:
 2 1. Page 15, by inserting after line 46 the
 3 following:
 4 "NEW SECTION. HUNTING ON RIGHTS OF WAY. All
 5 rights of way acquired by the authority under this
 6 chapter and rights of way acquired by any partnership
 7 or other association of which the authority is a
 8 partner or member shall be open to the general public
 9 for hunting purposes within the time limits provided
 10 in any provision of law of this state."

Harbor of Mills rose on a point of order that amendment H—4468 was not germane.

The Speaker ruled the point well taken and amendment H—4468 not germane.

Miller of Buchanan offered the following amendment H—4459, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4459

1 Amend the Harbor amendment, H—4434, to House File
 2 874 as follows:
 3 1. Page 16, line 23, by striking the words
 4 "upgrade, or operate" and inserting in lieu thereof
 5 the words "or upgrade".

A non-record roll call was requested.

The ayes were 36, nays 57.

Amendment H—4459 lost.

Pavich of Pottawattamie offered the following amendment H—4446, to amendment H—4434, filed by Pavich, Lonergan and Gettings from the floor and moved its adoption:

H—4446

- 1 Amend amendment H—4434 to House File 874 as follows:
- 2 1. Page 18, line 34, by striking the word "The"
- 3 and inserting in lieu thereof the words "Fifty percent
- 4 of the".
- 5 2. Page 18, line 36, by inserting after the word
- 6 "and" the words "fifty percent of".
- 7 3. Page 18, line 39, by inserting after the word
- 8 "Act." the words "The remaining fifty percent of the
- 9 net proceeds of the tax and penalties collected under
- 10 this chapter shall be refunded to those railroad
- 11 companies from which the tax and penalties were
- 12 collected for the use of those railroad companies
- 13 for maintaining and repairing of their rail lines
- 14 located in this state."

A non-record roll call was requested.

The ayes were 27, nays 59.

Amendment H—4446 lost.

Pope of Polk moved to suspend House Rule 2 to continue session beyond 6:00 p.m.

A non-record roll call was requested.

The ayes were 55, nays 35.

The motion prevailed and House Rule 2 was suspended.

Conlon of Muscatine offered the following amendment H—4440, to amendment H—4434, filed by him from the floor and moved its adoption:

H—4440

- 1 Amend amendment H—4434 to House File 874 as
- 2 follows:

- 3 1. Page 18, by inserting after line 39 the
4 following:
5 "Sec. . Sections 21 through 28 of this Act
6 are repealed July 1, 2008."
7 2. By renumbering as necessary.

Amendment H—4440 was adopted.

Speaker Stromer in the chair at 5:47 p.m.

Pavich of Pottawattamie offered the following amendment H—4447, to amendment H—4434, filed by Pavich, Byerly and Woods from the floor and moved its adoption:

H—4447

- 1 Amend amendment H—4434 to House File 874 as follows:
2 1. Page 18, by inserting after line 39 the
3 following:
4 "Sec. . The Iowa railway finance authority
5 in conjunction with the Iowa department of
6 transportation shall conduct a study on the feasibility
7 of providing rail passenger service along any portion
8 of the trackage of the Rock Island railroad company.
9 The report of the study shall be submitted to the
10 Sixty-ninth General Assembly, 1982 Session, not later
11 than January 11, 1982."

Amendment H—4447 was adopted.

Bennett of Ida moved to reconsider the vote by which amendment H—4467, to amendment H—4434, was adopted by the House on June 25, 1981.

A non-record roll call was requested.

The ayes were 46, nays 45.

The motion prevailed and the House reconsidered amendment H—4467.

Miller of Buchanan moved the adoption of amendment H—4467, to amendment H—4434.

A non-record roll call was requested.

The ayes were 46, nays 48.

Amendment H—4467 lost.

The House stood at ease at 6:18 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—4434, as amended, to House File 874, at 6:34 p.m., Speaker Stromer in the chair.

Harbor of Mills moved the adoption of amendment H—4434, as amended.

Roll call was requested by Harbor of Mills and Danker of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H—4434, as amended, be adopted?"

The ayes were, 43:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crawford	Daggett	Danker
De Groot	Diemer	Halvorson, R. A.	Hansen, I.
Hanson, D.	Hoffmann	Holt	Hummel
Johnson, W.	Krewson	Lageschulte	Lloyd-Jones
Maulsby	McKean	Menke	Mullins
Pellett	Poffenberger	Pope	Ritsema
Schroeder	Shimanek	Shull	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 55:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clements	Cochran	Connolly
Connors	Crabb	Cusack	Davitt
Dieleman	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Harbor	Horn	Howell	Jay
Jochum	Johnson, J.	Johnson, R.	Kirkenslager
Lind	Loneragan	Mann	Miller

Norland
 Petrick
 Running
 Spear
 Walter

O'Kane
 Rapp
 Schnekloth
 Sturgeon
 Welsh

Oxley
 Renaud
 Smalley
 Sullivan
 Woods

Pavich
 Renken
 Smith
 Swartz

Absent or not voting, 2:

Pelton

Poncy

Amendment H—4434, as amended, lost.

(House File 874 pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

HARBOR of Mills

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

RAPP of Black Hawk

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

CARL of Poweshiek

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

DAVITT of Warren

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

DODERER of Johnson

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

DIELEMAN of Marion

(Amendment H—4434 to House File 874)

I move to reconsider the vote by which amendment H—4434, as amended, to House File 874 failed to be adopted by the House on June 25, 1981.

NORLAND of Worth

On motion by Pope of Polk, the House adjourned at 7:01 p.m., until 9:00 a.m., Friday, June 26, 1981.

JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, June 26, 1981

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

Prayer was offered by the Honorable William W. (Bill) Dieleman, state representative from Marion County.

The Journal of Thursday, June 25, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello on request of Connors of Polk.

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session at 11:31 a.m., Speaker Stromer in the chair.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 874**, a bill for an act relating to railway transportation by providing for the imposition and collection of a tax on the use of fuel for the propulsion of railway vehicles, for the creation of a special railroad facility fund to which certain tax moneys are credited, for the pledging of the moneys in the special railroad facility fund for obligations issued by the Iowa railway finance authority, for the increase in the amount of outstanding obligations that the Iowa railway finance authority may have, for an expansion and clarification of the powers and duties of the Iowa railway finance authority.

The House stood at ease at 11:33 a.m., until the fall of the gavel.

The House resumed session and consideration of **House File 874** at 12:04 p.m., Speaker Stromer in the chair.

Harbor of Mills called up for consideration the motion to reconsider amendment H—4434 to House File 874, filed by him on June 25, 1981.

Pope of Polk asked and received unanimous consent to suspend House Rule 54 for a Legislative Council meeting while the House is in session.

Avenson of Fayette asked and received unanimous consent to suspend House Rule 15 to allow food in the House chamber during session.

Harbor of Mills moved to reconsider the vote by which amendment H—4434 failed to be adopted by the House on June 25, 1981.

Roll call was requested by Harbor of Mills and Danker of Pottawattamie.

On the question "Shall amendment H—4434 be reconsidered?"

The ayes were, 63:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Bruner	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Maulsby	McKean
Menke	Mullins	Norland	Pellett
Petrick	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Schroeder
Shimanek	Shull	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 33:

Avenson	Binneboese	Byerly	Carl
Chiodo	Clements	Cochran	Connolly
Connors	Cusack	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Loneragan	Mann
O'Kane	Oxley	Payich	Renaud
Running	Smalley	Spear	Sturgeon

Sullivan
Woods

Swartz

Walter

Welsh

Absent or not voting, 4:

Lloyd-Jones

Miller

Pelton

Poney

The motion prevailed and the House reconsidered amendment H-4434 placing out of order the motions to reconsider amendment H-4434 filed by Rapp, Carl, Davitt, Doderer, Dieleman and Norland on June 25, 1981 as well as the motion to reconsider amendment H-4434 filed by Bruner of Story from the floor.

Miller of Buchanan asked for unanimous consent to suspend the previous question rule for the consideration of amendment H-4470, to amendment H-4434, filed by him from the floor.

Objection was raised.

Miller of Buchanan moved that the previous question rule be suspended to consider amendment H-4470, to amendment H-4434, filed by him from the floor as follows:

H-4470

- 1 Amend amendment H-4434 to House File 874 as follows:
- 2 1. Page 15, by inserting after line 46 the
- 3 following:
- 4 "NEW SECTION. The authority is authorized to use
- 5 any means it deems are justified in order to guarantee
- 6 that a person whom the authority employs as a
- 7 contractor under this chapter pays all moneys that
- 8 that person may owe for workers' compensation under
- 9 chapters 85, 85A, and 85B, or employment security
- 10 under chapter 96 as a result of the work done under
- 11 that contract for the authority."

A non-record roll call was requested.

The ayes were 41, nays 50.

The motion lost.

The House stood at ease at 1:04 p.m., until the fall of the gavel.

The House resumed session at 1:35 p.m., Speaker Stromer in the chair.

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

The House resumed consideration of amendment H—4434 to House File 874.

Pope of Polk asked and received unanimous consent to suspend House Rule 54 for a meeting of the administration committee.

Harbor of Mills moved the adoption of amendment H—4434, as amended.

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

Rule 80 was invoked.

On the question "Shall amendment H—4434, as amended, be adopted?"

The ayes were, 69:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Bruner	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gross	Groth
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Howell	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Lloyd-Jones	Maulsby
McKean	Menke	Mullins	Norland
Pellett	Petrick	Poffenberger	Pope
Rapp	Renken	Ritsema	Schneklath
Schroeder	Shimanek	Shull	Smith
Stueland	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 28:

Avenson	Binneboese	Byerly	Clements
Cochran	Connors	Cusack	Gettings
Hall	Halvorson, R. N.	Horn	Jay

Jochum	Loneragan	Mann	Miller
O'Kane	Oxley	Pavich	Renaud
Running	Smalley	Spear	Sturgeon
Swartz	Walter	Welsh	Woods

Absent or not voting, 3:

Kirkenslager	Pelton	Poncy
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Amendment H—4434, as amended, was adopted placing out of order the following amendments:

H—4265 filed by Miller of Buchanan on May 19, 1981.

H—4266 filed by Miller of Buchanan and Pavich of Pottawattamie on May 19, 1981.

H—4267 filed by Miller of Buchanan and Pavich of Pottawattamie on May 19, 1981.

H—4269 filed by Miller of Buchanan on May 19, 1981.

H—4270 filed by Branstad of Winnebago on May 19, 1981.

H—4271 filed by Branstad of Winnebago on May 19, 1981.

H—4281 filed by Branstad of Winnebago on May 19, 1981.

H—4287 filed by Pavich, et al., on May 19, 1981.

H—4288 filed by Branstad of Winnebago on May 19, 1981.

H—4289 filed by Pavich, et al., on May 19, 1981.

H—4290 filed by Pavich, et al., on May 19, 1981.

H—4291 filed by Pavich, et al., on May 19, 1981.

H—4295 filed by Pavich, et al., on May 19, 1981.

H—4327 filed by Pavich of Pottawattamie on May 20, 1981.

H—4420 filed by Cochran of Webster on May 22, 1981.

H—4430 filed by Cochran of Webster on May 22, 1981.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kirkenslager of Des Moines, for the remainder of the day, on request of Smith of Scott.

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

Rules 79 and 80 were invoked.

On the question "Shall the bill pass?" (H.F. 874)

The ayes were, 74:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Maulsby	McKean	Menke
Mullins	Norland	Pellet	Petrick
Poffenberger	Pope	Rapp	Renken
Ritsema	Schroeder	Shimanek	Shull
Smith	Stueland	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

The nays were, 22:

Avenson	Byerly	Clements	Connors
Gettings	Hall	Horn	Lonergan
Mann	Miller	O'Kane	Oxley
Pavich	Renaud	Running	Schneklath
Smalley	Spear	Sturgeon	Swartz
Walter	Welsh		

Absent or not voting, 4:

Kirkenslager	Pelton	Poncy	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.

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 June 26, 1981, passed the following bill in which the concurrence of the Senate was asked:

House File 876, a bill for an act establishing the dates for the submission and application of certain acts incident to the process of legislative redistricting and precincting.

Also: That the Senate has on June 25, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 42, regarding plan III for legislative and congressional redistricting and limiting the filing of amendments to the plan.

Also: That the Senate has on June 26, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 43, providing for adjournment of the 1981 Extraordinary Session of the Sixty-ninth General Assembly.

LINDA HOWARTH MACKAY, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 42

Pursuant to Joint Rule 3 and Senate Concurrent Resolution 32, duly adopted, Pope of Polk called up for consideration Senate Concurrent Resolution 42 as follows:

SENATE CONCURRENT RESOLUTION 42 By Committee on Rules and Administration

- 1 *Whereas*, if plan II is rejected by either house
- 2 of the general assembly, chapter 42 requires submission
- 3 of a third plan which is subject to amendment by
- 4 either house; and
- 5 *Whereas*, the Constitution of Iowa requires that the
- 6 general assembly must approve a redistricting plan
- 7 prior to September 1, 1981 and if it does not the burden
- 8 of preparing a plan will vest in the supreme court; and
- 9 *Whereas*, the filing of complex substantive individual
- 10 amendments or amendments which would rewrite existing
- 11 legislative redistricting plans could be extremely time
- 12 consuming due to the deliberations that would be required
- 13 to agree on the amendments that would be adopted and
- 14 the lengthy mechanical procedures that are required to
- 15 rewrite a legislative redistricting plan and determine
- 16 if it meets the population requirements of chapter 42;
- 17 and
- 18 *Whereas*, if the general assembly would not timely approve
- 19 a third plan before September 1, 1981 in order that the
- 20 bill could be properly enrolled and signed and forwarded
- 21 to the governor for the governor's action, the result
- 22 could be that the general assembly would fail to meet its
- 23 constitutional deadline; *Now Therefore*,
- 24 *Be It Resolved by the Senate, the House Concurring*,
- 25 That if plan II is rejected by either the Senate or the
- 26 House of Representatives the Legislative Service Bureau
- 27 shall proceed to draft a third plan as provided by law;
- 28 and

29 *Be It Further Resolved*, That the Senate and House when
30 considering a bill embodying plan III and filing amendments

Page 2

1 as allowed by law be limited to filing the total
2 text of a congressional plan, a legislative redistricting
3 plan, or a combination of any congressional and legislative
4 redistricting plan, and nonsubstantive corrections to the
5 text of any such bills or amendments.

Avenson of Fayette offered the following amendment H-4471
filed by him from the floor and moved its adoption:

H-4471

1 Amend Senate Concurrent Resolution 42 as follows:
2 1. Page 1, by striking line 29 through page 2,
3 line 5 and inserting in lieu thereof the following:
4 "*Be It Further Resolved*, That the senate and house
5 when considering a bill embodying Plan III may approve
6 amendments by a majority vote of house or senate members
7 present and voting if the amendments embody the total
8 text of a congressional plan, a legislative redistrict-
9 ing plan, or a combination of any congressional and
10 legislative redistricting plan, which were submitted by
11 the Legislative Service Bureau pursuant to chapter 42
12 of the Code; and
13 *Be It Further Resolved*, That any other amendment,
14 except as provided in this resolution, shall include
15 the total text of a congressional plan, a legislative
16 plan, or a combination of any congressional plan or
17 legislative plan, however such an amendment shall not
18 be considered unless two-thirds of the membership of
19 both the house and the senate approve consideration of
20 such an amendment. If two-thirds of the total member-
21 ship of both the house and senate approve considering
22 such an amendment, it may be adopted by a majority of
23 the members present and voting; and
24 *Be It Further Resolved*, That nonsubstantive correc-
25 tions to the text of any redistricting bill or amend-
26 ment may be approved by a majority of the house or
27 senate members present and voting."

Roll call was requested by Rapp of Black Hawk and Bruner of
Story.

Rules 79 and 80 were invoked.

On the question "Shall amendment H-4471 be adopted?"

The ayes were, 39:

Anderson, R.	Arnould	Avenson	Bin;eboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clements	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Loneragan	Norland
O'Kane	Pavich	Rapp	Renaud
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 6:

Kirkenslager	Miller	Oxley	Pelton
Poncy	Woods		

Amendment H—4471 lost.

Byerly of Polk moved that Senate Concurrent Resolution 42 be returned to the Senate.

Byerly of Polk asked and received unanimous consent to withdraw his motion.

Clements of Scott offered the following amendment H—4472 filed by him from the floor and moved its adoption:

H—4472

- 1 Amend Senate Concurrent Resolution 42 as follows:
- 2 1. Page 1, by striking line 29 through page 2,

3 line 5, and inserting in lieu thereof the following:
 4 "Be It Further Resolved, That the Senate and
 5 House when considering a bill embodying Plan III may
 6 approve amendments by a majority vote of House or
 7 Senate members present and voting if the amendments
 8 embody the total text of a congressional plan, a
 9 legislative redistricting plan, or a combination of
 10 any congressional and legislative redistricting
 11 plan, which were submitted by the Legislative
 12 Service Bureau pursuant to Chapter 42 of the Code;
 13 and
 14 *Be It Further Resolved*, that nonsubstantive
 15 corrections to the text of any redistricting bill
 16 or amendment may be approved by a majority of the
 17 House or Senate members present and voting."

Roll call was requested by Mann of Greene and Clements of Scott.

Rule 80 was invoked.

On the question "Shall amendment H—4472 be adopted?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clements	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Loneragan	Mann
Norland	O'Kane	Oxley	Pavich
Rapp	Renaud	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh			

The nays were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull

Smalley
Tofte
Welden

Smith
Trucano
Mr. Speaker

Stueland
Tyrrell

Swearingen
Van Maanen

Absent or not voting, 5:

Kirkenslager
Woods

Miller

Pelton

Poncy

Amendment H—4472 lost.

Avenson of Fayette offered the following amendment H—4474 filed by him from the floor and moved its adoption:

H—4474

- 1 Amend Senate Concurrent Resolution 42, as adopted
- 2 by the Senate, as follows:
- 3 1. Page 2, by striking lines 2 through 5 and
- 4 inserting in lieu thereof the following: "text of a
- 5 congressional plan with a population deviation no
- 6 greater than plan II, a legislative redistricting
- 7 plan with a population deviation no greater than
- 8 plan II, or a combination of any congressional and
- 9 legislative plan with a population deviation no
- 10 greater than plan II, and nonsubstantive corrections
- 11 to the text of any such bills or amendments."

Roll call was requested by Avenson of Fayette and O'Kane of Woodbury.

On the question "Shall amendment H—4474 be adopted?"

The ayes were, 41:

Anderson, R.
Brandt
Chiodo
Connors
Doderer
Halvorson, R. N.
Jochum
Miller
Rapp
Sturgeon
Welsh

Arnould
Bruner
Clements
Cusack
Gettings
Horn
Johnson, J.
Norland
Renaud
Sullivan

Avenson
Byerly
Cochran
Davitt
Groth
Howell
Lloyd-Jones
O'Kane
Running
Swartz

Binneboese
Carl
Connolly
Dieleman
Hall
Jay
Lonerган
Pavich
Spear
Walter

The nays were, 54:

Anderson, J.
Clark, B. J.

Bennett
Clark, J. H.

Branstad
Conlon

Carpenter
Cook

Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shimanek	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 5:

Kirkenslager	Oxley	Pelton	Poncy
Woods			

Amendment H — 4474 lost.

Pope of Polk moved the adoption of Senate Concurrent Resolution 42.

Roll call was requested by O’Kane of Woodbury and Byerly of Polk.

On the question “Shall the resolution be adopted?” (SCR 42)

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Crawford	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 40:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl

Chiodo	Clements	Cochran	Connolly
Connors	Cusack	Davitt	Dieleman
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Pavich	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh

Absent or not voting, 5:

Kirkenslager	Oxley	Pelton	Poncy
Woods			

The motion prevailed and the resolution was adopted.

PRESENTATION OF GIFT AND CERTIFICATE TO CHIEF CLERK

Chief Clerk Pat H. Harper was called to the Speaker's station for a special presentation. On behalf of the members of the House and staff, Speaker Stromer presented to Chief Clerk Harper a gift and certificate of recognition thanking her for her services to the House and wishing her success and happiness in her new endeavor. The House rose and expressed its appreciation to her.

ADOPTION OF SENATE CONCURRENT RESOLUTION 43

Pursuant to Joint Rule 3 and Senate Concurrent Resolution 32, duly adopted, Pope of Polk called up for consideration Senate Concurrent Resolution 43, as follows, and moved its adoption:

SENATE CONCURRENT RESOLUTION 43 By Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, the House Concurring,*
- 2 That when adjournment is had on Friday, June 26, 1981,
- 3 it be the final adjournment of the 1981 Extraordinary
- 4 Session of the Sixty-ninth General Assembly.

Roll call was requested by Bennett of Ida and Lind of Black Hawk.

On the question "Shall the resolution be adopted?" (SCR 43)

The ayes were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Petrick	Poffenberger	Renken
Ritsema	Schneklath	Schroeder	Shimanek
Shull	Tofte	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

The nays were, 38:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Cusack	Davitt	Dieleman	Doderer
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Lloyd-Jones	Lonergan	Miller	O'Kane
Pavich	Rapp	Renaud	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh		

Absent or not voting, 7:

Kirkenslager	Norland	Oxley	Pelton
Poncy	Pope	Woods	

The motion prevailed and the resolution was adopted.

MESSAGE TO SENATE AND GOVERNOR

Pope of Polk moved that the Chief Clerk of the House be directed to send a written message to the Senate and to the Governor informing them that the House of Representatives was prepared to adjourn sine die pursuant to Senate Concurrent Resolution 43.

The motion prevailed.

Pope of Polk moved that the 1981 Extraordinary Session of the House of Representatives of the Sixty-ninth General Assembly adjourn sine die.

The motion prevailed.

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 26th day of June, 1981: House File 876.

PAT H. HARPER
Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, June 26, 1981. Had I been present, I would have voted "aye" on the final passage of House File 874.

KIRKENSLAGER of Des Moines

I was necessarily absent from the House chamber on June 26, 1981. Had I been present, I would have voted "nay" on House File 874.

WOODS of Polk

I was necessarily absent from the House chamber on June 26, 1981. Had I been present, I would have voted "nay" on House File 874.

PELTON of Clinton

PRESENTATION OF VISITORS

Mullins of Kossuth presented to the House Thorsten Birke, Gesa Zinn and Susanne Krohn, students from Kiel, West Germany, accompanied by Mike Mullins.

COMMUNICATION RECEIVED

The following communication has been received and is on file in the office of the Chief Clerk:

IOWA CITIZENS' AIDE/OMBUDSMAN

The 1980 Annual Report from the office of the Iowa Citizen's Aide/Ombudsman pursuant to Chapter 801G.18, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

1981-61	Pat H. Harper
1981-62	St. Albert High School
1981-63	Thomas Jefferson High School

PAT H. HARPER
Chief Clerk of the House

REAPPOINTMENT BY THE SPEAKER

Speaker Stromer announced the following reappointment:

COMMISSION ON THE AGING
(Section 249B.3, Code of Iowa)

Representative Betty A. Hoffmann, term expiring June 30, 1985.

MESSAGE FROM THE SENATE

Mr. Speaker, Members of the House of Representatives:

I have been directed to inform you that the Senate is prepared to adjourn sine die pursuant to Senate Concurrent Resolution 43.

LINDA HOWARTH MACKAY, Secretary

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 43, duly adopted, the day of June 26, 1981 having arrived, the Speaker of the House, Delwyn Stromer, declared the 1981 Extraordinary Session of the House of Representatives of the Sixty-ninth General Assembly adjourned sine die at 4:50 p.m.

**1981 EXTRAORDINARY SESSION
JUNE 24 THROUGH JUNE 26
SUPPLEMENT TO THE HOUSE JOURNAL**

BILL APPROVED, SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on a bill passed by the 1981 Extraordinary Session, June 24 through June 26, of the Sixty-ninth General Assembly and which action was had subsequent to the date of final adjournment:

H.F. 876— Establishing the dates for the submission and application of certain acts incident to the process of legislative redistricting and reprecincting. Approved June 26, 1981.

COMMUNICATION FROM SECRETARY OF STATE

July 10, 1981

Ms. Pat H. Harper
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that House File 876 was published in the Ames Daily Tribune, Ames, Iowa on July 2, 1981 and in The Record, Cedar Falls, Iowa on July 4, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

**1981 EXTRAORDINARY SESSION
JUNE 24 THROUGH JUNE 26
GENERAL INDEX**

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Amendments filed—38
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- Senate Concurrent Resolution 42, 1981 Extraordinary Session, congressional and redistricting plan No. 3—56-62 adopted
- Senate Concurrent Resolution 43, adjournment June 26, 1981 Extraordinary Session, Sixty-ninth General Assembly—62-63 adopted

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 House File 874, Ian MacGillivray, DOT—40

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