

State of Iowa

1981

JOURNAL OF THE HOUSE

1981

EXTRAORDINARY SESSION SIXTY-NINTH GENERAL ASSEMBLY

Convened August 12, 1981

Adjourned August 14, 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, August 12, 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 Father William Holzer, pastor of St. James Catholic Church, Forest City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story on request of Clark of Lee.

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:

July 8, 1981

Mrs. Elizabeth Isaacson
Acting Chief Clerk of the House
State Capitol Building
Des Moines, Iowa 50319

Dear Mrs. Isaacson:

Enclosed is my proclamation issued July 8, 1981, calling into Extraordinary Session the Sixty-ninth General Assembly, to convene at 10:00 a.m. on the 12th day of August, 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 the second plan prepared by the Legislative Service Bureau was rejected on June 25, 1981, with a 24 to 26 vote by the Senate; and

Whereas, the Legislative Service Bureau will submit to the General Assembly its third legislative and congressional redistricting plan on July 24, 1981; and

Whereas, pursuant to Amendment 36 of the Constitution of the State of Iowa (1957), the General Assembly must complete apportionment prior to September 1, 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 and the first Extraordinary Session of the Sixty-ninth General Assembly completed its business without approving a redistricting plan and without taking final action on 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 and Amendment 36 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 and Amendment 36 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 12th day of August, 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

August 12, 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 8th day of July 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 the July 8, 1981, proclamation of the Governor, duly organized for the Extraordinary Session of the Sixty-ninth General Assembly and is ready to receive communications from the House of Representatives.

LINDA HOWARTH MACKAY, Secretary

ADOPTION OF HOUSE CONCURRENT RESOLUTION 46

Pope of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 46.

The House stood at ease at 10:12 a.m. until the fall of the gavel.

The House resumed session and consideration of House Concurrent Resolution 46 as follows at 11:45 a.m., Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 46

By Pope

1 *Be It Resolved by the House of Representatives, the*
2 *Senate Concurring,* That in addition to the subject matter
3 described in Senate Concurrent Resolution 32, Sixty-ninth
4 General Assembly, 1981 Regular Session, enumerating the
5 subject matters which may be debated during any extra-
6 ordinary session occurring before the convening of the
7 1982 Regular Session of the Sixty-ninth General Assembly,
8 pursuant to Joint Rule 3, the business before the General
9 Assembly at an extraordinary session shall also consist
10 of road financing.

Sturgeon of Woodbury offered the following amendment H—4478 filed by him and Ritsema of Sioux from the floor and moved its adoption:

H—4478

1 Amend House Concurrent Resolution 46 as
2 follows:
3 1. Page 1, line 10, by inserting after the
4 word "financing" the following: "and the filing of
5 claims for credit for property taxes due by certain
6 elderly persons under chapter 425 of the Code".

A non-record roll call was requested.

The ayes were 64, nays 28.

Amendment H—4478 was adopted.

Johnson of Howard asked and received unanimous consent to withdraw amendment H—4479 filed by him from the floor.

Johnson of Howard offered the following amendment H—4480 filed by him from the floor and moved its adoption:

H-4480

- 1 Amend House Concurrent Resolution 46 as follows:
- 2 1. Page 1, line 10, by inserting after the
- 3 word "financing" the words "and the applicability of
- 4 the increase in the tax imposed by section 1 of Senate
- 5 File 576, as passed by the 1981 regular session of
- 6 the Sixty-ninth General Assembly, to chapter 551A of
- 7 the Code.

Roll call was requested by Harbor of Mills and Pavich of Pot-tawattamie.

Rule 80 was invoked.

On the question "Shall amendment H-4480 be adopted?"

The ayes were, 45:

Anderson, R.	Avenson	Bennett	Branstad
Byerly	Carl	Chiodo	Cochran
Connolly	Daggett	Danker	Davitt
De Groot	Dieleman	Gettings	Gross
Groth	Halvorson, R. A.	Halvorson, R. N.	Harbor
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Lind	Mann	Maulsby
Norland	O'Kane	Oxley	Pavich
Pellett	Renaud	Schroeder	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Tyrrell	Van Maanen	Walter
Welsh			

The nays were, 49:

Anderson, J.	Arnould	Binneboese	Brandt
Bruner	Clark, B. J.	Clark, J. H.	Conlon
Cook	Corey	Crabb	Crawford
Diemer	Doderer	Hall	Hansen, I.
Hanson, D.	Hoffmann	Holt	Horn
Hummel	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Lonergan	McKean
Menke	Miller	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Running	Schneklott
Shimanek	Shull	Smalley	Smith
Swartz	Trucano	Welden	Woods
Mr. Speaker			

Absent or not voting, 6:

Carpenter
Egenes

Clements
Mullins

Connors

Cusack

Amendment H—4480 lost.

Pope of Polk moved the adoption of House Concurrent Resolution 46, as amended.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Concurrent Resolution 46)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 46 be immediately messaged to the Senate.

HOUSE RULE 36.8 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8, relating to the filing of amendments deadline, for the duration of this Extraordinary Session.

PRESENTATION OF VISITOR

Lonergan of Boone presented to the House the Honorable Opal (Miller) Sergeant, former member of the House representing Calhoun County.

On motion by Pope of Polk, the House was recessed at 12:15 p.m., until 2:00 p.m.

Members of the House and the staff were entertained during the noon hour with a musical skit presented by Representatives Clark of Cerro Gordo, Carl of Poweshiek, Hanson of Delaware, Lloyd-Jones of Johnson, Rapp of Black Hawk and Trucano of Polk. Those present expressed their appreciation.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

ADOPTION OF HOUSE RESOLUTION 21

Smalley of Polk asked and received unanimous consent for the immediate consideration of House Resolution 21 as follows, and moved its adoption:

HOUSE RESOLUTION 21

By Smalley and Krewson

1 *Whereas*, Project Pelion was a project designed to
2 promote the International Year of the Disabled Person
3 through a 14,410 foot climb up Mt. Rainier by twelve
4 disabled persons; and

5 *Whereas*, this group of disabled persons later flew
6 to Washington, D.C., to attend receptions in their
7 honor; and

8 *Whereas*, the group was also received in the White
9 House Rose Garden where President Reagan congratulated
10 the climbers for their achievements; and

11 *Whereas*, nineteen year old Sheila Holzworth of
12 Des Moines, Iowa, was one of the climbers to successfully
13 reach the summit of Mt. Rainier; and

14 *Whereas*, Sheila Holzworth, who was blinded at the age
15 of ten, was an honor student at Dowling High School and is
16 a sophomore at Central College in Pella; and

17 *Whereas*, Sheila has accepted her disability as a
18 minor inconvenience, has been actively engaged in all
19 manner of pursuits and has been an example to other
20 disabled persons; and

21 *Whereas*, upon her arrival home, Sheila was greeted by
22 Iowa Governor Ray, Des Moines Mayor Crivaro, and several
23 hundred friends and relatives; *Now Therefore*,

24 *Be It Resolved by the House of Representatives*,
25 That Sheila Holzworth be honored by th@ Iowa House
26 of Representatives on behalf of all citizens of the state
27 of Iowa for her way of life and her achievements; and

28 *Be It Further Resolved*, That this honor be given on
29 the 13th day of August, 1981, during the 1981
30 Extraordinary Session of the Sixty-ninth General

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1 Assembly; and

2 *Be It Further Resolved*, That Sheila Holzworth be
3 presented with a copy of this Resolution in the presence
4 of the Iowa House of Representatives.

The motion prevailed and the resolution was adopted.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on August 12, 1981, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 46, providing for the business before the General Assembly at an extraordinary session allowing road financing and the filing of claims for credit for property taxes due by certain elderly persons.

LINDA HOWARTH MACKAY, Secretary

CONSIDERATION OF BILL

Pursuant to Joint Rule 3 and House Concurrent Resolution 46, duly adopted, Pope of Polk called up for consideration **Senate File 561**, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation.

With the adoption of amendment H—4297A on May 20, 1981, the following amendments are out of order:

Amendment H—4312 filed by Groth of Buena Vista on May 20, 1981 and found on page 2589 of the House Journal.

Amendment H—4306 filed by Howell of Floyd on May 20, 1981 and found on page 2588 of the House Journal.

Amendment H—4309 filed by Welsh of Dubuque on May 20, 1981 and found on page 2588 of the House Journal.

Tyrrell of Iowa offered the following amendment H—4263 filed by Tyrrell, et al., and requested division as follows:

H—4263

- 1 Amend Senate File 561 as amended, passed and
- 2 reprinted by the Senate as follows:

H-4263A

3 1. Page 1, by striking lines 18 through 35 and
4 inserting in lieu thereof the following:
5 "For the privilege of operating motor vehicles in
6 this state an excise tax of eight and one-half cents per
7 gallon beginning July 1, 1978, and ten cents per gallon
8 beginning July 1, 1979 is hereby imposed upon the use
9 of all motor fuel used for any purpose except motor
10 fuel containing at least ten percent alcohol distilled
11 from agricultural products for the period beginning
12 July 1, 1978 and ending June 30, 1983 and except as other-
13 wise provided in this division. The tax shall be paid
14 in the first instance by the distributor upon the
15 invoiced gallonage of all motor fuel received by the
16 distributor in this state, within the meaning of the word
17 "received" as defined in this division, less the deductions
18 hereinafter authorized. Thereafter, except as otherwise
19 provided, the per gallon amount of such tax shall be
20 added to the selling price of each and every gallon
21 of such motor fuel sold in this state and collected from
22 the purchaser to the end that the ultimate consumer
23 shall bear the burden of such tax; provided, however,
24 that no tax Tax shall".

H-4263B

25 2. Page 2, by striking lines 30 and 31 and inserting
26 in lieu thereof the word and figures "May 1, 1981".

H-4263C

27 3. By striking page 2, line 35 through page 4,
28 line 1.

29 4. By renumbering as necessary to conform to this
30 amendment.

Tyrrell of Iowa asked and received unanimous consent to
withdraw amendment H-4263A.

Tyrrell of Iowa moved the adoption of amendment H-4263B.

Amendment H-4263B lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for August 12 and 13, 1981, on request of Anderson of Jasper;
Clements of Scott on request of Mann of Greene; Gross of Ringgold, for the remainder
of the day, on request of Pellett of Cass.

The House resumed consideration of amendment H—4297C.

Pope of Polk asked and received unanimous consent to temporarily defer action on amendment H—4297C.

O’Kane of Woodbury asked and received unanimous consent to withdraw amendment H—4282 filed by him on May 20, 1981 and found on page 2584 of the House Journal.

Norland of Worth offered the following amendment H—4296 filed by him:

H—4296

- 1 Amend Senate File 561, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 20, by striking the word “thirteen”
- 4 and inserting in lieu thereof the word “eleven”.
- 5 2. Page 1, line 21, by inserting after the figure
- 6 “1981” the words “, twelve cents per gallon beginning
- 7 July 1, 1982, and thirteen cents per gallon beginning
- 8 July 1, 1983”.
- 9 3. Page 2, line 31, by striking the word “eight”
- 10 and inserting in lieu thereof the word “six”.
- 11 4. Page 2, line 31, by inserting after the figure
- 12 “1981” the words “and ending June 30, 1982 and an
- 13 excise tax of seven cents per gallon for the period
- 14 beginning July 1, 1982”.
- 15 5. Page 3, line 8, by striking the word “thirteen”
- 16 and inserting in lieu thereof the word “twelve”.
- 17 6. Page 3, line 9, by striking the words “and
- 18 fifteen” and inserting in lieu thereof the word “,
- 19 thirteen”.
- 20 7. Page 3, line 10, by inserting after the figure
- 21 “1982” the words “, fourteen and one-half cents per
- 22 gallon beginning July 1, 1983, and fifteen and one-
- 23 half cents per gallon beginning July 1, 1984”.

Norland of Worth asked and received unanimous consent to temporarily defer action on amendment H—4296.

Avenson of Fayette asked and received unanimous consent to withdraw amendment H—4311 filed by him on May 20, 1981 and found on page 2589 of the House Journal.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—4256 filed by him on May 20, 1981 and found on page 2577 of the House Journal.

Ritsema of Sioux offered the following amendment H-4303 filed by Egenes of Story and moved its adoption:

H-4303

- 1 Amend Senate File 561, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 8 through 10 and
- 4 inserting in lieu thereof the following: "1, 1979
- 5 is fifteen and one-half cents per gallon beginning
- 6 July 1, 1981. On all other special fuel the per".

A non-record roll call was requested.

The ayes were 26, nays 65.

Amendment H-4303 lost.

Pelton of Clinton offered the following amendment H-4277 filed by him and moved its adoption:

H-4277

- 1 Amend Senate File 561 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 26 the following
- 4 new section:
- 5 "Sec. . It is the intent of the general assembly
- 6 that the increase in the rate of tax on special fuel
- 7 and motor fuel provided in this Act shall only be
- 8 effective if the state department of transportation
- 9 does not purchase salt for use for snow removal on
- 10 the highways of this state."
- 11 2. Renumber sections and correct internal
- 12 references as are necessary in accordance with this
- 13 amendment.

Amendment H-4277 lost.

Davitt of Warren offered the following amendment H-4226 filed by Davitt, Cochran and Swartz:

H-4226

- 1 Amend Senate File 561, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 32, by inserting after the period
- 4 the words "The study shall also review highway design
- 5 standards used by the department and bid procedures
- 6 used by the department in letting road construction
- 7 and maintenance contracts."

Davitt of Warren asked and received unanimous consent to withdraw amendment H—4226.

Howell of Floyd offered the following amendment H—4299 filed by him and moved its adoption:

H—4299

- 1 Amend Senate File 561, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 32, by inserting after the
- 4 word "department" the following: "and study why
- 5 during the last decade highway construction costs
- 6 have varied so drastically and recommend how
- 7 legislative actions affect the fluctuation in
- 8 the construction costs".

Amendment H—4299 lost.

Amendment H—4301 filed by Chiodo of Polk was temporarily deferred.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—4307 filed by him on May 20, 1981 and found on page 2588 of the House Journal.

Pope of Polk asked and received unanimous consent to remove the previous question on the filing of amendments and amendments to amendments on Senate File 561.

Johnson of Linn offered the following amendment H—4407 filed by him:

H—4407

- 1 Amend Senate File 561 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "way", the following: "and shall not be used to
- 5 construct a new undivided four lane highway, commonly
- 6 known as the new field house access".

Harbor of Mills rose on a point of order that amendment H—4407 was not germane.

The Speaker ruled the point not well taken and amendment H—4407 germane.

Johnson of Linn moved the adoption of amendment H—4407.

Roll call was requested by Groth of Buena Vista and Jay of Appanoose.

On the question "Shall amendment H—4407 be adopted?"

The ayes were, 32:

Anderson, J.	Binneboese	Conlon	Cook
Daggett	Danker	De Groot	Groth
Hall	Hansen, I.	Hanson, D.	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Lonergan
Mann	Maulsby	McKean	O'Kane
Petrick	Renken	Ritsema	Schneklath
Smalley	Spear	Sturgeon	Sullivan
Tyrrell	Van Maanen	Walter	Woods

The nays were, 58:

Anderson, R.	Arnould	Bennett	Brandt
Branstad	Bruner	Byerly	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Corey
Crabb	Crawford	Cusack	Davitt
Dieleman	Diemer	Doderer	Gettings
Halvorson, R. A.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jochum
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Menke	Miller	Mullins	Norland
Oxley	Pavich	Pellet	Pelton
Poffenberger	Poncy	Pope	Rapp
Renaud	Running	Schroeder	Shimanek
Shull	Smith	Stueland	Swartz
Swearingen	Tofte	Trucano	Welden
Welsh	Mr. Speaker		

Absent or not voting, 10:

Avenson	Carl	Carpenter	Clements
Connolly	Connors	Egenes	Gross
Halvorson, R. N.	Lind		

Amendment H—4407 lost.

Cook of Hardin offered amendment H—4486 filed by Cook, Tyrrell, Maulsby, Smith, Renken, Johnson of Howard and Smalley of Polk from the floor as follows and moved its adoption:

H-4486

1 Amend Senate File 561 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 9 the following
4 new section:
5 "Sec. . Chapter 307, Code 1981, is amended
6 by adding the following new section:
7 NEW SECTION. The department shall use minimum
8 engineering standards in the design and construction
9 of highway projects which meet the needs of the project
10 at the least cost."

Amendment H-4486 lost.

Cook of Hardin offered amendment H-4487 filed by Cook, Tyrrell, Maulsby, Smith, Renken, Johnson of Howard and Smalley of Polk from the floor as follows and moved its adoption:

H-4487

1 Amend Senate File 561 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 9 the following
4 new section:
5 "Sec. . Chapter 307, Code 1981, is amended
6 by adding the following new section:
7 NEW SECTION. The department shall institute a
8 program to combine inspection functions where feasible
9 and to train construction inspectors to perform several
10 inspection functions to reduce the number of
11 construction inspectors employed by the department
12 and the number of construction inspectors required
13 for each construction project."
14 2. Renumber sections and correct internal
15 references as are necessary in accordance with this
16 amendment.

A non-record roll call was requested.

The ayes were 51, nays 23.

Amendment H-4487 was adopted.

O'Kane of Woodbury offered the following amendment H-4485 filed by him from the floor and moved its adoption:

H-4485

1 Amend Senate File 561, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 15, the
4 following new section:

5 "Sec. . Chapter 312, Code 1981, is amended
6 by adding the following new section:

7 NEW SECTION. Notwithstanding the methods of
8 apportionment of road funds to cities and counties
9 under sections 312.3 and 312.5, fifty-five percent
10 of the revenues derived from the additional three
11 cent tax imposed on motor fuel and the additional
12 four cent tax imposed on diesel fuel shall be credited
13 to a "special road use tax fund", hereby created in
14 the office of the treasurer of state to be apportioned
15 to cities and counties in the manner provided in this
16 section. The moneys in the special road use tax fund
17 shall be apportioned to each city and county in the
18 state, in the ratio which the population of each city
19 and county, as shown in the latest available federal
20 census, bears to the total population of the state.
21 For purposes of determining the population for each
22 county, the population of each county shall include
23 only that portion of the populace residing in the
24 unincorporated area of the county. In determining
25 the population of a city, section 312.3, subsections
26 2, 3, 4 and 5 shall be applicable. The treasurer
27 of state shall disburse the funds to the city clerk
28 of each city and the county treasurer of each county
29 in the manner and at the time other road use tax funds
30 are disbursed."

31 2. Renumber sections and correct internal
32 references as are necessary in accordance with this
33 amendment.

Roll call was requested by Crabb of Crawford and Halvorson of Clayton.

Rule 80 was invoked.

On the question "Shall amendment H-4485 be adopted?"

The ayes were, 31:

Arnould	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Diemer
Doderer	Gettings	Hall	Horn
Howell	Jochum	Johnson, R.	Lind

Lloyd-Jones	O'Kane	Pavich	Pelton
Poncy	Renaud	Running	Schnekloth
Smalley	Smith	Sturgeon	Swartz
Trucano	Walter	Woods	

The nays were, 52:

Anderson, J.	Bennett	Binneboese	Branstad
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Jay	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lonergan
Mann	Maulsby	McKean	Menke
Miller	Mullins	Norland	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schroeder	Shimanek	Shull
Spear	Stueland	Sullivan	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 17:

Anderson, R.	Avenson	Clements	Cochran
Connolly	Connors	Crawford	Cusack
Egenes	Gross	Groth	Halvorson, R. N.
Johnson, J.	Oxley	Rapp	Swearingen
Welsh			

Amendment H—4485 lost.

The House resumed consideration of amendment H—4296 filed by Norland of Worth.

Norland of Worth asked and received unanimous consent to withdraw amendment H—4296.

Action on amendment H—4300 filed by Cochran of Webster was temporarily deferred.

Poffenberger of Dallas offered amendment H—4477 filed by Poffenberger, Menke, Harbor, Danker, Groth, Shimanek, Trucano, Renken, Hanson of Delaware, Halvorson of Webster, Clark of Lee, Norland, Sullivan, Cochran, Branstad, Anderson of Audubon, Maulsby and Diemer from the floor:

H-4477

- 1 Amend Senate File 561, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 31, by striking the word "eight"
- 4 and inserting in lieu thereof the word "seven".

Davitt of Warren offered the following amendment H-4481, to amendment H-4477, filed by him from the floor and moved its adoption:

H-4481

- 1 Amend amendment H-4477 to Senate File 561 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "seven" and inserting the word "four".

Roll call was requested by Davitt of Warren and O'Kane of Woodbury.

On the question "Shall amendment H-4481, to amendment H-4477 be adopted?"

The ayes were, 44:

Binneboese	Branstad	Carl	Clark, J. H.
Cochran	Conlon	Cook	Danker
Davitt	De Groot	Dieleman	Diemer
Gettings	Groth	Hall	Halvorson, R. N.
Hanson, D.	Horn	Howell	Jay
Johnson, J.	Lloyd-Jones	Loneragan	Mann
Norland	O'Kane	Pavich	Pelton
Petrick	Poncy	Rapp	Renaud
Renken	Running	Schroeder	Shull
Smalley	Spear	Sullivan	Swartz
Tyrrell	Van Maanen	Welsh	Woods

The nays were, 42:

Anderson, J.	Arnould	Bennett	Brandt
Bruner	Carpenter	Clark, B. J.	Corey
Crabb	Crawford	Doderer	Halvorson, R. A.
Harbor	Hoffmann	Holt	Hummel
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Maulsby	McKean
Menke	Miller	Mullins	Pellett
Poffenberger	Pope	Ritsema	Schnekloth
Shimanek	Smith	Stueland	Sturgeon

Swearingen	Tofte	Trucano	Walter
Welden	Mr. Speaker		

Absent or not voting, 14:

Anderson, R.	Avenson	Byerly	Chiodo
Clements	Connolly	Connors	Cusack
Daggett	Egenes	Gross	Hansen, I.
Johnson, R.	Oxley		

Amendment H—4481 was adopted.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—4481 filed by him from the floor and moved to reconsider the vote by which amendment H—4481, to amendment H—4477, was adopted by the House on August 12, 1981.

Roll call was requested by Byerly of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall the motion to reconsider amendment H—4481 prevail?"

The ayes were, 47:

Anderson, J.	Arnould	Bennett	Brandt
Bruner	Carpenter	Clark, B. J.	Corey
Crabb	Crawford	Diemer	Doderer
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Hummel	Jochum
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lind	Lloyd-Jones	Maulsby
McKean	Menke	Mullins	Pellet
Poffenberger	Pope	Rapp	Renken
Schneklath	Schroeder	Shimanek	Smith
Stueland	Swearingen	Tofte	Trucano
Walter	Welden	Mr. Speaker	

The nays were, 46:

Avenson	Binneboese	Branstad	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Conlon	Connolly	Cook	Daggett
Danker	Davitt	De Groot	Dieleman
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Johnson, J.
Lonergan	Mann	Miller	Norland

O'Kane	Oxley	Pavich	Pelton
Petrick	Poncy	Renaud	Ritsema
Running	Shull	Smalley	Spear
Sturgeon	Swartz	Tyrrell	Van Maanen
Welsh	Woods		

Absent or not voting, 7:

Anderson, R.	Clements	Connors	Cusack
Egenes	Gross	Sullivan	

The motion prevailed and the House reconsidered amendment H—4481 filed by Davitt of Warren.

Davitt of Warren moved the adoption of amendment H—4481.

Roll call was requested by Davitt of Warren and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H—4481, to amendment H—4477, be adopted?"

The ayes were, 48:

Anderson, R.	Avenson	Binneboese	Branstad
Byerly	Carl	Chiodo	Clark, J. H.
Cochran	Conlon	Connolly	Cook
Crabb	Cusack	Daggett	Danker
Davitt	De Groot	Dieleman	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Johnson, J.	Lonergan
Mann	Maulsby	Norland	O'Kane
Oxley	Pavich	Pelton	Petrick
Poncy	Renaud	Renken	Running
Shull	Smalley	Spear	Swartz
Tyrrell	Van Maanen	Welsh	Woods

The nays were, 47:

Anderson, J.	Arnould	Bennett	Brandt
Bruner	Carpenter	Clark, B. J.	Corey
Crawford	Diemer	Doderer	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Hummel	Jochum	Johnson, R.
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lind	Lloyd-Jones	McKean	Menke

Miller	Mullins	Pellett	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Schroeder	Shimaneck	Smith	Stueland
Sturgeon	Swearingen	Tofte	Trucano
Walter	Welden	Mr. Speaker	

Absent or not voting, 5:

Clements	Connors	Egenes	Gross
Sullivan			

Amendment H—4481 was adopted.

Poffenberger of Dallas moved the adoption of amendment H—4477, as amended.

Roll call was requested by Dieleman of Marion and Davitt of Warren.

On the question "Shall amendment H—4477, as amended, be adopted?"

The ayes were, 50:

Anderson, J.	Anderson, R.	Arnould	Avenson
Binneboese	Branstad	Byerly	Carl
Chiodo	Clark, J. H.	Cochran	Cook
Daggett	Danker	Davitt	Dieleman
Diemer	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Horn	Howell
Jay	Johnson, J.	Loneragan	Mann
Maulsby	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Petrick
Poffenberger	Poney	Rapp	Renaud
Renken	Running	Shull	Smalley
Spear	Swartz	Tyrrell	Van Maanen
Welsh	Woods		

The nays were, 43:

Bennett	Brandt	Bruner	Carpenter
Clark, B. J.	Conlon	Connolly	Corey
Crabb	Crawford	Cusack	De Groot
Doderer	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann	Hummel	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Menke	Miller	Mullins
Pellett	Pope	Ritsema	Schnekloth
Schroeder	Shimaneck	Smith	Stueland
Sturgeon	Swearingen	Tofte	Trucano
Walter	Welden	Mr. Speaker	

Absent or not voting, 7:

Clements	Connors	Egenes	Gross
Holt	Johnson, R.	Sullivan	

Amendment H—4477, as amended, was adopted.

Cochran of Webster asked and received unanimous consent to withdraw amendment H—4300 filed by him on May 20, 1981 and found on page 2587 of the House Journal.

Pelton of Clinton asked and received unanimous consent to withdraw amendment H—4276 filed by him on May 19, 1981 and found on page 2581 of the House Journal.

The House resumed consideration of amendment H—4297B.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—4297B.

The House resumed consideration of amendment H—4297C filed by Tyrrell of Iowa.

Tyrrell of Iowa moved the adoption of amendment H—4297C, as amended.

A non-record roll call was requested.

The ayes were 30, nays 59.

Amendment H—4297C, as amended, lost.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—4476 filed by Carpenter, Harbor, Schnekloth and Lageschulte from the floor.

Harbor of Mills offered the following amendment H—4482 filed by him from the floor and moved its adoption:

H—4482

- 1 Amend Senate File 561, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 34 the following
- 4 new sections:

5 "Sec. . Section 324.8, subsection 4, Code
6 1981, is amended to read as follows:

7 4. From the total number of invoiced gallons of
8 motor fuel "received" by the distributor within the
9 state during the next preceding calendar month shall
10 be made the following deductions:

11 First, the gallonage of motor fuel received and
12 thereafter sold within the exemptions provided for
13 in section 324.3; and second, the number of gallons
14 of motor fuel equal to ~~three~~ two per centum of the
15 first three hundred thousand gallons and one ~~and one~~
16 ~~quarter~~ per centum of all gallonage in excess of three
17 hundred thousand gallons of invoiced gallons of motor
18 fuel received by the distributor within this state
19 during the next preceding calendar month after
20 deduction provided in this subsection, this percentage
21 being a flat allowance to cover evaporation, shrinkage,
22 and losses, and the distributor's expenses and losses
23 in collection, accounting for, and paying over the
24 motor fuel tax.

25 Sec. . Section 324.8, subsection 6, Code 1981,
26 is amended to read as follows:

27 6. The sum of the number of invoiced gallons of
28 gasohol which are received tax free by the distributor
29 during the next preceding calendar month less the
30 number of gallons of gasohol equal to two per centum
31 of the first three hundred thousand gallons and one
32 per centum of all gallonage in excess of three hundred
33 thousand gallons of gasohol received or blended by
34 the distributor within this state during the next
35 preceding calendar month after deduction provided
36 in this subsection, this percentage being a flat
37 allowance to cover evaporation, shrinkage and losses
38 in collection, accounting for, and paying over the
39 tax on gasohol, and the number of gallons of gasohol
40 blended by the distributor during the next preceding
41 calendar month shall be multiplied by the per gallon
42 motor fuel tax rate applicable to gasohol."

43 2. Page 4, by inserting after line 26 the following
44 new sections:

45 "Sec. 9. Chapter 324, Code 1981, is amended by
46 adding the following new section:

47 **NEW SECTION. GASOHOL BLENDING ERRORS.** Where
48 blending errors have occurred and an insufficient
49 amount of alcohol distilled from agricultural products
50 has been blended with motor fuel so that the mixture

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1 fails to qualify as gasohol, the department shall
2 determine the tax liability as follows:

3 1. If the amount of the alcohol blended with motor
4 fuel is short by five gallons or less, the alcohol
5 and motor fuel blended shall be considered gasohol
6 and there shall be no penalty or assessment of
7 additional taxes.

8 2. If the amount of the alcohol blended with motor
9 fuel is short by more than five gallons but the alcohol
10 blended with the motor fuel is short by one and one
11 one-hundredths percent or less of the amount of alcohol
12 and motor fuel blended, the motor fuel shall be divided
13 for tax purposes into gasohol and motor fuel con-
14 taining no alcohol as follows:

15 a. That portion which is alcohol distilled from
16 agricultural products shall be added to motor fuel
17 on the basis of one part alcohol to nine parts motor
18 fuel to determine the portion which is considered
19 gasohol gallonage which is exempt from the excise
20 tax for the period July 1, 1978 to April 30, 1981
21 and is subject to an excise tax of five cents per
22 gallon for the period May 1, 1981 to June 30, 1983.

23 b. That portion of motor fuel remaining shall
24 be considered motor fuel which is subject to an excise
25 tax of ten cents per gallon.

26 c. In addition to the tax imposed under paragraphs
27 a and b of this section, there is imposed a fine of
28 twenty dollars to be credited to the road use tax
29 fund.

30 3. If the amount of the alcohol blended with motor
31 fuel is short by more than one and one one-hundredths
32 percent of the total, the motor fuel blended with
33 the alcohol is subject to the tax imposed on motor
34 fuel under section 324.3.

35 This section is repealed June 30, 1983.

36 Sec. 10. NEW SECTION. The exclusive method of
37 determining gallonage of any purchases or sales of
38 motor fuel and special fuel as defined in chapter
39 324 and distillate fuels shall be on a gross volume
40 basis. A temperature-adjusted or other method shall
41 not be used, except as it applies to liquefied
42 petroleum gas and the sale or exchange of petroleum
43 products between petroleum refiners. All invoices,
44 bills of lading, or other records of sale or purchase
45 and all reports or records required to be made, kept,
46 and maintained by a distributor or dealer shall be
47 made, kept, and maintained on the gross volume basis.
48 For purposes of this section, "distillate fuels" means
49 any fuel oil, gas oil, topped crude oil, or other
50 petroleum oils derived by refining or processing crude

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1 oil or unfinished oils which have a boiling range
2 at atmospheric pressure which falls completely or
3 in part between five hundred fifty and twelve hundred
4 degrees Fahrenheit."

5 3. Page 5, by inserting after line 12 the following
6 new section:

7 "Sec. . . . Section 9 of this Act is retroactive
8 to July 1, 1978 and applies to motor fuel and alcohol
9 distilled from agricultural products blended on or
10 after that date."

11 4. Amend the title, lines 7 and 8, by striking
12 the words "and providing for a study of the state
13 department of transportation" and inserting in lieu
14 thereof the words "by providing for the measurement
15 of gallonages of motor fuels, special fuels and
16 distillate fuels, providing for reduced allowances
17 granted to distributors on motor fuel, providing for
18 allowances to distributors on gasohol, providing for
19 the computation of motor fuel taxes in situations
20 where blending errors have occurred on gasohol,
21 providing for a study of the state department of
22 transportation, and making certain provisions
23 retroactive to July 1, 1978."

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

Amendment H-4482 was adopted.

Tyrrell of Iowa asked and received unanimous consent to
withdraw amendment H-4263C.

Ritsema of Sioux offered the following amendment H-4483
filed by Egenes of Story from the floor and moved its adoption:

H-4483

1 Amend Senate File 561, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 3, line 8, by striking the word "thirteen"
4 and inserting in lieu thereof the word "fourteen".

A non-record roll call was requested.

The ayes were 16, nays 60.

Amendment H-4483 lost.

O'Kane of Woodbury offered the following amendment H—4484 filed by him from the floor and moved its adoption:

H—4484

- 1 Amend Senate File 561, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 26 the following
- 4 new section:
- 5 "Sec. . Chapter 324, Code 1981, is amended
- 6 by adding the following new section:
- 7 NEW SECTION. Notwithstanding sections 324.3 and
- 8 324.34, the tax imposed on motor fuel and special
- 9 fuel sold by a qualified dealer shall not exceed by
- 10 more than three cents per gallon the state tax rate
- 11 imposed on motor fuel and special fuel sold by the
- 12 nearest retailer in a state contiguous to Iowa.
- 13 For purposes of this section, a "qualified dealer"
- 14 means a dealer located within seven and one-half
- 15 miles, measured by the shortest distance over a public
- 16 road, from a dealer selling motor fuel and special
- 17 fuel in the contiguous state.
- 18 A qualified dealer shall be allowed a credit by
- 19 the distributor for the amount of the reduction allowed
- 20 under this section. A qualified dealer, before being
- 21 allowed to claim the credit, shall be registered with
- 22 the department of revenue.
- 23 The department shall adopt rules pursuant to chapter
- 24 17A necessary to implement the provisions of this
- 25 section."
- 26 2. Renumber sections and correct internal
- 27 references as are necessary in accordance with this
- 28 amendment.

Amendment H—4484 lost.

Chiodo of Polk offered the following amendment H—4301 filed by him and moved its adoption:

H—4301

- 1 Amend Senate File 561 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, line 34, by inserting after the
- 4 word "services" the following: "and the feasibility
- 5 of setting aside ten percent of road contracts for
- 6 small contractors and contractors just beginning
- 7 business".

A non-record roll call was requested.

The ayes were 51, nays 35.

Amendment H—4301 was adopted.

Norland of Worth offered the following amendment H—4488 filed by him from the floor:

H—4488

1 Amend Senate File 561, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 9 the following
 4 new sections:
 5 "Sec. . Section 312.3, subsection 1, Code 1981,
 6 is amended to read as follows:
 7 1. Apportion among the counties in the ratio that
 8 the needs of the secondary roads of each county bear
 9 to the total needs of the secondary roads of the state
 10 for the twenty-year improvement program developed
 11 by the automotive safety foundation and filed with
 12 the Iowa highway study committee created by chapter
 13 426, Acts of the Fifty-eighth General Assembly, through
 14 the period ending June 30, 1979, and for each year
 15 beginning July 1, 1979, based upon the total needs
 16 of secondary roads of the state as shown in the latest
 17 quadrennial need study report developed by the state
 18 department of transportation, and which is on record
 19 at the department, ~~sixty percent~~ one-third of the
 20 allocation from road use tax funds which is credited
 21 to the secondary road fund of the counties, and
 22 apportion among the counties in the ratio that the
 23 area secondary road mileage of such county bears to
 24 the total area of secondary road mileage in the state,
 25 ~~forty percent~~ one-third of the allocation from road
 26 use tax funds which is credited to the secondary road
 27 fund of the counties and apportion from the road use
 28 funds which are credited to the secondary road fund
 29 one-third of the moneys in the ratio that the
 30 population of the unincorporated area of the county
 31 bears to the population of the unincorporated areas
 32 of all of the counties. However, for a hold harmless
 33 period each county shall be guaranteed a base year
 34 amount. The amount in the secondary road fund of
 35 the counties in each fiscal year during the hold
 36 harmless period in excess of the sum of the base
 37 period amounts allocated to all counties shall be
 38 distributed proportionally based on the relative needs

39 and area factors to only those counties entitled to
40 receive more than the base year amount.

41 For the purposes of this subsection:

42 a. "Hold harmless period" means the fiscal years
43 beginning July 1, 1979 and ending June 30, 1983.

44 b. "Base year amount" means the amount of the
45 secondary road fund of the counties received by a
46 county for the fiscal year beginning July 1, 1977.

47 Sec. . Section 312.5, Code 1981, is amended
48 to read as follows:

49 312.5 DIVISION OF FARM-TO-MARKET ROAD FUNDS.

50 The road use tax funds credited to the farm-to-market

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1 road fund by the treasurer of state are hereby divided
2 as follows, and are to be known respectively as:

3 1. Need allotment farm-to-market road funds, ~~sixty~~
4 ~~percent~~ one-third; and

5 2. Area Mileage allotment farm-to-market road
6 funds, ~~forty percent~~ one-third.

7 All farm-to-market road funds, except funds which
8 under section 310.20 come from any county's allotment
9 of the road use tax funds, shall be allotted among
10 the counties by the department. Area Mileage allotment
11 farm-to-market road funds and federal aid secondary
12 road funds received by the state, shall be allotted
13 among all the counties of the state in the ratio that
14 the area mileage of farm-to-market roads of each
15 county bears to the total area mileage of farm-to-
16 market roads of the whole state.

17 Need allotment farm-to-market road funds shall
18 be allotted among the counties in the ratio that the
19 needs of the farm-to-market roads in each county bear
20 to the total needs of the farm-to-market roads in
21 the state for the twenty-year program developed by
22 the automotive safety foundation and filed with the
23 Iowa highway study committee created by chapter 426,
24 Acts of the Fifty-eighth General Assembly, through
25 the period ending June 30, 1979, and for each year
26 beginning July 1, 1979, based upon the total needs
27 of the farm-to-market roads in the state as shown
28 in the latest quadrennial need study report developed
29 by the state department of transportation, and which
30 is on record at the department. However, for a hold
31 harmless period each county shall be guaranteed a
32 base year amount. The amount in the farm-to-market
33 road fund in each fiscal year during the hold harmless
34 period in excess of the sum of the base period amounts
35 allocated to all counties shall be distributed
36 proportionally based on the relative needs and area

37 factors to only those counties entitled to receive
 38 more than the base year amount.
 39 Population allotment farm-to-market road funds
 40 shall be apportioned to each county in the ratio that
 41 the population of the unincorporated area of the
 42 county bears to the population of the unincorporated
 43 areas of all of the counties in the state.
 44 For the purposes of this section:
 45 a. "Hold harmless period" means the fiscal years
 46 beginning July 1, 1979 and ending June 30, 1983.
 47 b. "Base year amount" means the amount of the
 48 farm-to-market road fund received by a county for
 49 the fiscal year beginning July 1, 1977."
 50 2. Renumber sections and correct internal

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1 references as are necessary in accordance with this
 2 amendment.

The following amendment H-4490, to amendment H-4488,
 filed by Norland of Worth from the floor was adopted by unanimous
 consent:

H-4490

1 Amend amendment H-4488 to Senate File 561 as
 2 follows:
 3 Page 2, by inserting after line 6, the
 4 following:
 5 "3. Population allotment farm-to-market road
 6 funds, one-third."

Speaker pro tempore Menke of O'Brien in the chair at 5:42 p.m.

HOUSE RULE 61 SUSPENDED

Crawford of Story asked and received unanimous consent to sus-
 pend House Rule 61, relating to committee notice and agenda, for a
 committee on state government committee meeting on Thursday,
 August 13, 1981.

Pope of Polk asked and received unanimous consent to suspend
 House Rule 2 to continue session beyond 6:00 p.m.

The House stood at ease at 5:53 p.m. until the fall of the gavel.

The House resumed session at 6:48 p.m., Speaker Stromer in the
 chair.

(Senate File 561 and amendment H—4488, as amended, pending at adjournment.)

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on August 12, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 581, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election.

LINDA HOWARTH MACKAY, Secretary

SENATE MESSAGE CONSIDERED

Senate File 581, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election.

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

MOTION TO RECONSIDER

(Amendment H—4263B to Senate File 561)

I move to reconsider the vote by which amendment H—4263B to Senate File 561 failed to be adopted by the House on August 12, 1981.

SCHROEDER of Pottawattamie

HOUSE RESOLUTION 22

By Davitt, Jochum, Cusack, Cochran, Halvorson of
Webster, Kirkenslager, Sullivan, Gettings
and Byerly

- 1 *Whereas*, the dispute between the federal government
- 2 and the Professional Air Traffic Controllers' Organization
- 3 has caused significant disruption of air traffic in the
- 4 United States, *Now Therefore*,
- 5 *Be It Resolved by the House of Representatives*, That
- 6 the Reagan Administration and the Professional Air Traffic
- 7 Controllers' Organization are urged to reach an agreement
- 8 mutually satisfactory to their dispute and bring about a
- 9 continuation of commerce and safety.

Laid over under Rule 30.

HOUSE RESOLUTION 23

By Pope and Avenson

1 *Whereas*, Gerald L. Bogan officially became an Iowan
 2 in Clarinda, Iowa, on April 19, 1912; and
 3 *Whereas*, Gerald L. Bogan received his formal educa-
 4 tion at Clarinda High School, Clarinda Junior College,
 5 and the Institute for Organization Management at North-
 6 western University and Michigan State University; and
 7 *Whereas*, Gerald L. Bogan began a newspaper career
 8 with the Clarinda Herald Journal and served as news
 9 editor before moving to Des Moines to become the
 10 manager of United Press (United Press International),
 11 from 1942 to 1948, and news director for the Iowa
 12 Daily Press Association in 1948-49 during which he
 13 covered the Republican National Convention and Demo-
 14 cratic National Convention; and
 15 *Whereas*, Gerald L. Bogan's career continued as Public
 16 Relations Director for the Republican Party of Iowa
 17 from 1949 to 1953, Executive Director of the Iowa
 18 Good Roads Association from 1953 to 1961, Legislative
 19 Liaison for United States Senator Bourke B. Hickenlooper
 20 during 1961-62, and since 1962, as a Public Affairs
 21 Consultant advising candidates for public office and
 22 representing various clients on legislative and other
 23 governmental matters; and
 24 *Whereas*, Gerald L. Bogan's professional and community
 25 service includes being a charter member and first
 26 president of the Iowa Society of Association Executives,
 27 a charter member of the Iowa Chapter of the Public
 28 Relations Society of America, a member of the Downtown
 29 Des Moines Kiwanis Club, a charter member of the Des
 30 Moines Metro Kiwanis Club, a member of the Des Moines

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1 Chamber of Commerce, Bohemian Club and First Christian
 -2 Church, and helping organize the Iowa Radio News
 3 Directors Association; and
 4 *Whereas*, Gerald L. Bogan has served as the first
 5 Executive Secretary of Iowans for Right to Work since
 6 1965 and continues in that capacity on a limited basis
 7 since "retirement" in early 1981; and
 8 *Whereas*, Gerald L. Bogan is a friend to all regard-
 9 less of political philosophy or party and his opinion
 10 is respected by all who serve or have served in the
 11 legislature since 1962; and
 12 *Whereas*, Gerald L. Bogan has a perfect record of

13 never having missed voting on a voice vote; and
14 *Whereas*, Gerald L. Bogan's scientific accuracy in
15 predicting the winners of legislative races before
16 the general elections has been foolproof; *Now Therefore*,
17 *Be It Resolved by the House of Representatives*,
18 That Gerald L. "Bogie" Bogan be
19 recognized for his long and faithful service to all
20 Iowans in numerous professional and community service
21 capacities and for his efforts to improve legislation
22 and the legislative process.

Laid over under Rule 30.

COMMUNICATION FROM THE GOVERNOR

The following communication was received from Governor Robert D. Ray and presented to the House:

August 12, 1981

The Honorable Delwyn Stromer
Speaker of the House
Sixty-ninth General Assembly
State Capitol Building
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

This, the second Special Session of the Sixty-ninth General Assembly, is truly extraordinary. It marks the first time in the history of our state that a General Assembly has met in two Special Sessions in one year. Moreover, this Special Session is extraordinary because you are faced with three crucial issues that require resolution. These issues—the so-called three Rs—must be faced and resolved now.

The first of these issues—reapportionment—under the Constitution of Iowa is a duty unique to the General Assembly. Few duties have caused more legislative anguish in the annals of legislative history. Despite constitutional requirements, legislative disputes effectively caused no redistricting of our State Senate between 1901 and 1964. Indeed, there was periodic wrangling over the shape and size of our districts, but no agreements were reached on total redistricting plans. As a result, districts strayed from the one-person, one-vote principle we adhere to today. In 1950, for example, Polk County with a population of 224,920 had one Senator; Clayton County with 22,490 people also had one Senator. And congressional districts ranged in population from 251,579 to 413,206.

We have come a long way since 1950. And, today you face a deadline. You have before you four plans, all of which are substantially below 1 percent in population deviation. Each of the plans is relatively compact, and it appears that each meets the constitutional tests which have been laid down by the courts. Moreover, you have commendably limited your ability to amend individual districts in the plans. This will help prevent possible gerrymandering of legislative and congressional districts, which I oppose.

During the intense reapportionment debates of the mid-sixties, one legislator was heard to comment: "There is no hope of the legislature ever passing a reapportionment bill. Neither house will agree to having itself changed." We all know that this "changing of oneself" is undoubtedly the General Assembly's most difficult task. But it is a duty that is yours, and I urge you to dispense with it fairly and in a timely manner.

The second of the three Rs—road financing—has a similarly stormy legislative history. But action on this priority, too, should not wait. In Fiscal Year 81, Iowa's road fund revenues declined at a rate unprecedented in the history of the fund. But financing needs have not gone down; we are driving on about 3,000 miles of paved roads that were built before 1940; at least 11,000 county and 1,100 primary road bridges are in need of repair; rising construction costs have shrunk the value of the road fund dollar; and travel on our roadways is up 3 percent over last year.

There is little dispute that our roads need repair. There are few who doubt the fact that we must pay to maintain roads now or pay more to rebuild them later. The road user fee has fallen to about 8 percent of the pump price—its lowest level in history. Over 80 percent of our counties—which receive 37 percent of road funds—are at their maximum property tax levy for maintenance of county roads. Yet action to deal with this serious problem has not been completed.

The modest increase in the road user fee which you are considering will not solve all of our road problems. But it would help us maintain essential roads and bridges.

I know this is not an easy issue for you. No one wants to pay more at the pump than they are paying now. On the other hand, we must realize that the alternative is unacceptable. I urge you to adjust road financing so that the critical links between our communities, our farms and markets, and between Iowans and the rest of the nation can be properly maintained.

The third issue—railroad financing—is of equal and immediate importance. Our state has been saddled with two major bankrupt railroads. Portions of those bankrupt lines are potentially economically viable. We cannot let those railroad lines be torn up and sold for scrap.

House File 874 represents a reasonable and innovative rail plan that strikes a healthy balance between the interests of the state of Iowa and the private sector. The bill does not allow the state to run a railroad. It is specifically prohibited from doing so. Instead it gives the state the ability to assist rail carriers and shippers in securing and rehabilitating essential portions of rail line. This legislation appropriately allows private carriers to bid for available rail lines without competing with the state, so long as we are assured that reasonable rail service will be provided to Iowans on the line.

The diesel fuel tax that would back a portion of the \$200 million in bonding authority would not unduly burden Iowa shippers who need and want good rail service to move their products. According to the latest available figures, Iowa now has the 41st lowest tax per mile of railroad in the nation.

In short, House File 874 represents an unusual opportunity to save essential portions of rail line in Iowa. It is written so as to provide a minimum of government intrusion in the private sector.

Pressures to immediately liquidate the lines are building. We cannot afford to let essential portions of our rail lines be sold for scrap.

Thus, you are today faced with three crucial issues, all of which deserve your immediate attention. I urge you to judge each of these issues independently on its merits and to act affirmatively on each of them. I wish you a short and productive special session, and I want to assure you that it is my desire to work with you toward that end.

Best regards.

Sincerely,

Robert D. Ray
Governor

COMMUNICATION FROM LEGISLATIVE SERVICE BUREAU

The following communication was received from the Legislative Service Bureau on July 24, 1981.

To: Acting 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: July 24, 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 (third) plan of legislative and congressional districting is delivered. Maps illustrating the plan, and statistics relating to the districts within the plan are included in this submission. The plan submitted and prepared is in strict adherence to the requirements of law.

COMMUNICATIONS RECEIVED

July 3, 1981

Elizabeth A. Isaacson
Acting Chief Clerk
Iowa House of Representatives
State House
Des Moines, Iowa 50319

Dear Liz:

Pursuant to Section 69.4 (2) Iowa Code I have informed Governor Ray that I am resigning from the Iowa House of Representatives, Forty-second District, to accept the position of Assistant to the President of Iowa State University. My resignation will be effective upon the adjournment of the special session of the General Assembly to be held in August.

It has been a distinct privilege and a real joy to work with the House Staff. Please express my thanks and appreciation to the Staff for their assistance during these past nine years. I am certainly looking forward to working with you and the Staff in the future, but in a different capacity.

Sincerely,

REID W. CRAWFORD
State Representative

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

DEPARTMENT OF PUBLIC SAFETY

The Uniform Crime Report comparison for the first quarter of 1981 from the Iowa Department of Public Safety has been received pursuant to Chapter 692.15, Code of Iowa.

DEPARTMENT OF SOCIAL SERVICES

The final Title XX Plan for Fiscal Year 1982 by Governor Robert D. Ray has been received.

DEPARTMENT OF TRANSPORTATION

The Final Report of the Intercity Bus Route Evaluation for Statewide Planning has been received from the Department of Transportation pursuant to Chapter 307.10 (1), Code of Iowa.

SUPREME COURT OF IOWA

The 1980 report relating to the activity of the Judicial Department has been received pursuant to Chapter 685.8, Code of Iowa.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Acting Chief Clerk and Journal Editor	Elizabeth A. Isaacson	24-6 + 1	P-FT	7/03/81
Secretary (Majority Caucus)	Cathy Auwaerter	15-1 + 1	P-FT	7/16/81
Research Analyst	Maryjo F. Welch	26-1	P-FT	7/16/81

The following is a list of resignations:

Aide to Public Information Office	Tanna J. Seifert			8/07/81
Public Information Office Director	Patricia A. Barry			8/20/81

JOHNSON of Howard, Chair

AMENDMENTS FILED

H-4489	S.F. 561	Miller of Buchanan
H-4491	S.F. 561	Lind of Black Hawk

On motion by Pope of Polk, the House was adjourned at 6:50 p.m., until 9:00 a.m., Thursday, August 13, 1981.

JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, August 13, 1981

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

Prayer was offered by the Honorable Kenneth R. De Groot, state representative from Lyon County.

The Journal of Wednesday, August 12, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story, for August 13 and 14, 1981, on request of Clark of Lee.

SENATE FILE 561 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on Senate File 561.

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON
Acting Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Senate File 581, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election.

Fiscal Note is not required.

Recommended Do Pass.

CONSIDERATION OF BILL

Pursuant to Senate Concurrent Resolution 32, duly adopted, and Joint Rule 3, Pope of Polk called up for consideration **Senate File 581**, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election, with report of committee recommending passage.

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clements of Scott on request of Mann of Greene.

Hanson of Delaware offered the following amendment H—4494 filed by Hanson of Delaware, Lageschulte, Renken, Cook, Johnson of Howard, Welden, Halvorson of Clayton, Clark of Cerro Gordo and Hummel from the floor and moved its adoption:

H—4494

- 1 Amend Senate File 581 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 1, by striking lines 1 through 33 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. Section 40.1, Code 1981, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 40.1 DISTRICTS DESIGNATED.
- 9 1. The state of Iowa is hereby organized and
- 10 divided into six congressional districts except as
- 11 provided in subsection 2. The districts shall be
- 12 composed of the following counties:
- 13 a. The first district shall consist of the counties
- 14 of Iowa, Johnson, Scott, Keokuk, Washington, Louisa,
- 15 Muscatine, Jefferson, Henry, Des Moines, Davis, Van
- 16 Buren and Lee.
- 17 b. The second district shall consist of the
- 18 counties of Winneshiek, Allamakee, Fayette, Clayton,
- 19 Delaware, Dubuque, Linn, Jones, Jackson, Cedar and
- 20 Clinton.

21 c. The third district shall consist of the counties
 22 of Worth, Mitchell, Howard, Hancock, Cerro Gordo,
 23 Floyd, Chickasaw, Franklin, Butler, Bremer, Hamilton,
 24 Hardin, Grundy, Black Hawk, Buchanan, Marshall, Tama
 25 and Benton.

26 d. The fourth district shall consist of the
 27 counties of Polk, Jasper, Poweshiek, Marion, Mahaska,
 28 Lucas, Monroe, Wapello and Appanoose.

29 e. The fifth district shall consist of the counties
 30 of Crawford, Greene, Boone, Story, Harrison, Shelby,
 31 Audubon, Guthrie, Dallas, Pottawattamie, Cass, Adair,
 32 Madison, Warren, Mills, Montgomery, Adams, Union,
 33 Clarke, Fremont, Page, Taylor, Ringgold, Decatur and
 34 Wayne.

35 f. The sixth district shall consist of the counties
 36 of Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago,
 37 Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee,
 38 Buena Vista, Pocahontas, Humboldt, Wright, Woodbury,
 39 Ida, Sac, Calhoun, Webster, Monona and Carroll.

40 2. If the congressional redistricting plan provided
 41 in subsection 1 be found unconstitutional by a court
 42 having proper jurisdiction, the six congressional
 43 districts shall be as follows, unless otherwise
 44 established by the court:

45 a. The first district shall consist of the counties
 46 of Scott, Mahaska, Keokuk, Washington, Louisa,
 47 Muscatine, Lucas, Monroe, Wapello, Jefferson, Henry,
 48 Des Moines, Appanoose, Davis, Van Buren and Lee.

49 b. The second district shall consist of the
 50 counties of Allamakee, Fayette, Clayton, Buchanan,

Page 2

1 Delaware, Dubuque, Linn, Jones, Jackson, Cedar and
 2 Clinton.

3 c. The third district shall consist of the counties
 4 of Worth, Mitchell, Howard, Winneshiek, Floyd,
 5 Chickasaw, Butler, Bremer, Grundy, Black Hawk,
 6 Marshall, Tama, Benton, Poweshiek, Iowa and Johnson.

7 d. The fourth district shall consist of the
 8 counties of Hamilton, Boone, Story, Dallas, Polk and
 9 Jasper.

10 e. The fifth district shall consist of the counties
 11 of Sac, Calhoun, Webster, Crawford, Carroll, Greene,
 12 Harrison, Shelby, Audubon, Guthrie, Pottawattamie,
 13 Cass, Adair, Madison, Warren, Marion, Mills,
 14 Montgomery, Adams, Union, Clarke, Fremont, Page,
 15 Taylor, Ringgold, Decatur and Wayne.

16 f. The sixth district shall consist of the counties
 17 of Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago,
 18 Sioux, O'Brien, Clay, Palo Alto, Hancock, Cerro Gordo,
 19 Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt,
 20 Wright, Franklin, Woodbury, Ida, Hardin, and Monona."

A non-record roll call was requested.

The ayes were 38, nays 59.

Amendment H—4494 lost.

Crawford of Story asked and received unanimous consent to withdraw amendment H—4493, filed by him from the floor.

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

On the question "Shall the bill pass?" (S.F. 581)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Cusack	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Gettings	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schnekloth
Schroeder	Shimaneck	Shull	Smalley
Smith	Spears	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Weish	Woods	Mr. Speaker

The nays were, 5:

Daggett	Gross	Halvorson, R. A.	Lind
Lonergan			

Absent or not voting, 3:

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

SPECIAL PRESENTATION

Smalley of Polk escorted to the Speaker's station and presented to the House Sheila Holzworth of Des Moines.

Sheila, although blind, successfully climbed to the summit of Mt. Rainier with eleven other handicapped persons to promote the International Year of the Disabled Person.

Representative Smalley presented her with House Resolution 21 which was adopted by the House. Sheila thanked the House on behalf of all handicapped persons.

The House rose and expressed its welcome.

PRESENTATION OF VISITORS

Danker of Pottawattamie presented to the House, Foreign Exchange Student Alain Sudron, from Paris, France. He is staying with the Lynn Grobe family of Oakland, Iowa.

Johnson of Howard presented to the House, Lindsay Gillan, Foreign Exchange Student from Rugby, England. She is staying with Bernard and Mary Ann Haugeh and family of New Hampton.

Byerly of Polk presented to the House, Mr. and Mrs. Joe Borgen, Danville, Illinois. Mr. Borgen is the newly appointed Superintendent of Des Moines Area Community College.

On motion by Pope of Polk, the House was recessed at 12:10 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

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

The House resumed session at 3:31 p.m., Speaker Stromer in the chair.

CONSIDERATION OF BILLS

The House resumed consideration of **Senate File 561**, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and non-public school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation, and amendment H—4488, as amended, filed by Norland of Worth and found on pages 26 through 28 of the House Journal of August 12, 1981.

Norland of Worth moved the adoption of amendment H—4488, as amended.

Roll call was requested by Norland of Worth and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H—4488, as amended, be adopted?"

• The ayes were, 45:

Arnould	Avenson	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Cochran	Conlon	Connolly
Cusack	Dieleman	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jochum	Johnson, R.
Johnson, W.	Lonergan	Maulsby	Norland
Oxley	Pavich	Petrick	Poney
Rapp	Renaud	Running	Schneklloth
Smalley	Spear	Swartz	Tofte
Trucano	Tyrrell	Walter	Welsh
Woods			

The nays were, 47:

Anderson, J.	Bennett	Binneboese	Brandt
Clark, J. H.	Cook	Corey	Crabb
Crawford	Daggett	Danker	Davitt
De Groot	Diemer	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Hummel	Jay	Johnson, J.	Kirkenslager
Krewson	Lageschulte	Lind	Mann
Menke	Miller	Mullins	O'Kane

Pellett	Pelton	Pope	Renken
Ritsema	Shimanek	Shull	Smith
Stueland	Sturgeon	Sullivan	Swearingen
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 8:

Anderson, R.	Clements	Connors	Egenes
Lloyd-Jones	McKean	Poffenberger	Schroeder

Amendment H — 4488, as amended, lost.

Miller of Buchanan offered amendment H — 4489 filed by him as follows and moved its adoption:

H — 4489

1 Amend Senate File 561, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 9 the following
 4 new section:
 5 "Sec. . Chapter 307, Code 1981, is amended
 6 by adding the following new section:
 7 **NEW SECTION.** The department shall withhold payments
 8 due under a contract, in order to guarantee that a
 9 person whom the department employs as a contractor
 10 pays all moneys that the contractor may owe until
 11 the contractor provides sufficient evidence from the
 12 industrial commissioner that the contractor has
 13 complied with the workers' compensation insurability
 14 requirements of section 87.1 or has been relieved
 15 from the requirements under chapter 87 and provides
 16 sufficient evidence from the department of job service
 17 that the employer has made or is making all
 18 contributions or reimbursements required under chapter
 19 96."
 20 2. Renumber sections and correct internal
 21 references as are necessary in accordance with this
 22 amendment.

Amendment H — 4489 was adopted.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H — 4491 filed by him on August 12, 1981.

Howell of Floyd offered the following amendment H - 4496 filed by him from the floor and moved its adoption:

H-4496

1 Amend Senate File 561 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 12 the following
 4 new section:
 5 "Sec. . It is the intent of the general assembly
 6 that the state department of transportation shall
 7 erect and operate the electronic speed indicator signs
 8 which it had previously operated at several locations
 9 along the interstate highway system."

A non-record roll call was requested.

The ayes were 32, nays 56.

Amendment H - 4496 lost.

Schroeder of Pottawattamie offered the following amendment H - 4497 filed by him from the floor:

H-4497

1 Amend Senate File 561, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting in lieu thereof the following:
 5 "Section 1. Section 306.9, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Unless otherwise required
 8 by the federal law or regulation, it is also the
 9 policy of this state that road use tax fund moneys
 10 shall be used to rehabilitate or reconstruct existing
 11 roads, streets, and bridges using substantially
 12 existing right of way. This paragraph shall not apply
 13 where additional right of way is needed for the
 14 construction or completion of designated interstate
 15 or city routes and highway bypasses.
 16 Sec. 2. Section 312.3, subsection 1, paragraph
 17 a, Code 1981, is amended to read as follows:
 18 a. "Hold harmless period" means the fiscal years
 19 beginning July 1, 1979 and ending June 30, ~~1983~~ 1985.
 20 Sec. 3. Chapter 312, Code 1981, is amended by
 21 adding the following new section:
 22 NEW SECTION. It is the intent of the general
 23 assembly that moneys credited to the road use tax

24 fund shall not be appropriated for the payment of
 25 salaries, support, or maintenance of any personnel
 26 in the department of public safety.

27 Sec. 4. Section 321.1, subsection 71, Code 1981,
 28 is amended to read as follows:

29 71. A "special truck" means a motor truck not
 30 used for hire with a gross weight registration of
 31 eight through ~~eighteen~~ twenty tons used by a person
 32 engaged in farming to transport commodities produced
 33 only by the owner, or to transport commodities
 34 purchased by the owner for use in his or her own
 35 farming operation or occasional use for charitable
 36 purposes.

37 Sec. 5. Section 324.3, unnumbered paragraph 1,
 38 Code 1981, is amended to read as follows:

39 For the privilege of operating motor vehicles in
 40 this state an excise tax of ~~eight and one-half cents~~
 41 per gallon beginning July 1, 1978, and ten thirteen
 42 cents per gallon beginning July ~~September 1, 1979~~
 43 1981 is hereby imposed upon the use of all motor fuel
 44 used for any purpose except motor fuel containing
 45 at least ten percent alcohol distilled from
 46 agricultural products for the period beginning July
 47 1, 1978 and ending June 30, 1983 and except as
 48 otherwise provided in this division. The tax shall
 49 be paid in the first instance by the distributor upon
 50 the invoiced gallonage of all motor fuel received

Page 2

1 by the distributor in this state, within the meaning
 2 of the word "received" as defined in this division,
 3 less the deductions hereinafter authorized.
 4 Thereafter, except as otherwise provided, the per
 5 gallon amount of ~~such~~ the tax shall be added to the
 6 selling price of ~~each~~ and every gallon of such motor
 7 fuel sold in this state and collected from the
 8 purchaser ~~to the end~~ so that the ultimate consumer
 9 ~~shall bear~~ bears the burden of ~~such~~ the tax; provided,
 10 ~~however,~~ that ~~no~~ tax shall not be imposed or collected
 11 under this division with respect to the following:

12 Sec. 6. Section 324.3, unnumbered paragraph 2,
 13 Code 1981, is amended to read as follows:

14 Motor fuel shall be sold tax paid to the state
 15 of Iowa, any of its agencies, or to any political
 16 subdivision of the state, including motor fuel sold
 17 for the transportation of pupils of approved public
 18 and nonpublic schools by a contract carrier who
 19 contracts with the public school under section 285.5
 20 for the transportation of public and nonpublic school
 21 pupils under chapter 285. Tax on fuel which is used

22 for public purposes shall be is subject to refund,
 23 including tax paid on motor fuel sold for the
 24 transportation of school pupils of approved public
 25 and nonpublic schools by a contract carrier who
 26 contracts with the public school under section 285.5
 27 for the transportation of public and nonpublic school
 28 pupils under chapter 285. Claims for refunds will
 29 be filed with the department on a quarterly basis
 30 and in no case will the director shall not grant a
 31 refund of motor fuel or special fuel tax where a claim
 32 is not filed within one year from the date the tax
 33 was due. The claim shall contain the number of gallons
 34 purchased, the calculation of the amount of motor
 35 fuel and special fuel tax subject to refund and any
 36 other information required by the department necessary
 37 to process the refund.

38 Sec. 7. Section 324.3, unnumbered paragraph 3,
 39 Code 1981, is amended to read as follows:

40 For the privilege of operating motor vehicles in
 41 this state an excise tax of five cents per gallon
 42 for the period beginning May 1, 1981 and ending August
 43 31, 1981 and an excise tax of seven cents per gallon
 44 for the period beginning September 1, 1981 and ending
 45 June 30, 1983, is hereby imposed upon the use of
 46 gasohol used for any purpose except as otherwise
 47 provided in this division.

48 Sec. 8. Section 324.8, subsection 4, Code 1981,
 49 is amended to read as follows:

50 4. From the total number of invoiced gallons of

Page 3

1 motor fuel "received" by the distributor within the
 2 state during the next preceding calendar month shall
 3 be made the following deductions:

4 First, the gallonage of motor fuel received and
 5 thereafter sold within the exemptions provided for
 6 in section 324.3; and second, the number of gallons
 7 of motor fuel equal to ~~three~~ two per centum of the
 8 first three hundred thousand gallons and one ~~and one~~
 9 ~~quarter~~ per centum of all gallonage in excess of three
 10 hundred thousand gallons of invoiced gallons of motor
 11 fuel received by the distributor within this state
 12 during the next preceding calendar month after
 13 deduction provided in this subsection, this percentage
 14 being a flat allowance to cover evaporation, shrinkage,
 15 and losses, and the distributor's expenses and losses
 16 in collection, accounting for, and paying over the
 17 motor fuel tax.

18 Sec. 9. Section 324.8, subsection 6, Code 1981,
 19 is amended to read as follows:

20 6. The sum of the number of invoiced gallons of
 21 gasohol which are received tax free by the distributor
 22 during the next preceding calendar month less the
 23 number of gallons of gasohol equal to two per centum
 24 of the first three hundred thousand gallons and one
 25 per centum of all gallonage in excess of three hundred
 26 thousand gallons of gasohol received or blended by
 27 the distributor within this state during the next
 28 preceding calendar month after deduction provided
 29 in this subsection, this percentage being a flat
 30 allowance to cover evaporation, shrinkage and losses
 31 in collection, accounting for, and paying over the
 32 tax on gasohol, and the number of gallons of gasohol
 33 blended by the distributor during the next preceding
 34 calendar month shall be multiplied by the per gallon
 35 motor fuel tax rate applicable to gasohol.

36 Sec. 10. Section 324.34, unnumbered paragraph
 37 1, Code 1981, is amended to read as follows:

38 For the privilege of operating motor vehicles in
 39 this state, there is hereby levied and imposed an
 40 excise tax on the use (as defined herein) of special
 41 fuel in any motor vehicle. The rate of tax on special
 42 (diesel engine) fuel shall be ten cents per gallon
 43 beginning July 1, 1978, and shall be eleven and one-
 44 half cents per gallon beginning July 1, 1979 is
 45 thirteen and one-half cents per gallon beginning
 46 September 1, 1981 and fifteen and one-half cents per
 47 gallon beginning July 1, 1982. On all other special
 48 fuel the per gallon rate shall be is the same as the
 49 motor fuel tax. The tax, with respect to all special
 50 fuel delivered by a special fuel dealer for use in

Page 4

1 this state as defined by section 324.33, shall attach
 2 at the time of the delivery and shall be collected
 3 by the dealer from the special fuel user and shall
 4 be paid over to the department of revenue as
 5 hereinafter provided in this chapter. The tax, with
 6 respect to special fuel acquired by a special fuel
 7 user in any manner other than by delivery by a special
 8 fuel dealer into a fuel supply tank of a motor vehicle
 9 or delivery into a motor vehicle special fuel holding
 10 tank by a special fuel dealer or distributor, shall
 11 attach at the time of the use (as herein defined)
 12 of the fuel and shall be paid over to the department
 13 of revenue by the user as hereinafter provided in
 14 this chapter.

15 Sec. 11. Section 324.35, unnumbered paragraph
 16 2, Code 1981, is amended to read as follows:

17 Tax on special fuel sold to the state of Iowa,

18 any of its agencies, or any political subdivisions
19 of the state where such fuel is used for public
20 purposes shall be is subject to refund, including
21 tax paid on special fuel sold for the transportation
22 of school pupils of approved public and nonpublic
23 schools by a contract carrier who contracts with the
24 public school under section 285.5 for the
25 transportation of public and nonpublic school pupils
26 under chapter 285. Claims shall be filed in accordance
27 with the claims for motor fuel tax refunds provided
28 by section 324.3.

29 Sec. 12. Section 324.54, unnumbered paragraphs
30 2 and 3, Code 1981, are amended to read as follows:

31 Notwithstanding any provision of this chapter to
32 the contrary, except as provided in this section,
33 the holder of a permanent permit may make application
34 to the state department of transportation for a refund,
35 not later than the last day of the third month
36 following the quarter in which the overpayment of
37 Iowa fuel tax paid on excess purchases of motor fuel
38 or special fuel was reported as provided in section
39 324.8, and which application is supported by such
40 proof as the state department of transportation may
41 require. The state department of transportation shall
42 refund Iowa fuel tax paid on motor fuel or special
43 fuel purchased in excess of the amount consumed by
44 such commercial motor vehicles in their operation
45 on the highways of this state.

46 Application for a refund of fuel tax under the
47 provisions of this division must be made for each
48 quarter in which the excess payment was reported,
49 and will not be allowed unless the amount of fuel
50 tax paid on the fuel purchased in this state, in

Page 5

1 excess of that consumed for highway operation in this
2 state in the quarter applied for, is in an amount
3 exceeding ten dollars. An application for a refund
4 of excess Iowa fuel tax paid under the provisions
5 of this division which is filed for any period or
6 in any manner other than herein set out shall not
7 be allowed.

8 Sec. 13. Chapter 324, Code 1981, is amended by
9 adding the following new section:

10 NEW SECTION. GASOHOL BLENDING ERRORS. Where
11 blending errors have occurred and an insufficient
12 amount of alcohol distilled from agricultural products
13 has been blended with motor fuel so that the mixture
14 fails to qualify as gasohol, the department shall
15 determine the tax liability as follows:

16 1. If the amount of the alcohol blended with motor
17 fuel is short by five gallons or less, the alcohol
18 and motor fuel blended shall be considered gasohol
19 and there shall be no penalty or assessment of
20 additional taxes.

21 2. If the amount of the alcohol blended with motor
22 fuel is short by more than five gallons but the alcohol
23 blended with the motor fuel is short by one and one
24 one-hundredths percent or less of the amount of alcohol
25 and motor fuel blended, the motor fuel shall be divided
26 for tax purposes into gasohol and motor fuel con-
27 taining no alcohol as follows:

28 a. That portion which is alcohol distilled from
29 agricultural products shall be added to motor fuel
30 on the basis of one part alcohol to nine parts motor
31 fuel to determine the portion which is considered
32 gasohol gallonage which is exempt from the excise
33 tax for the period July 1, 1978 to April 30, 1981
34 and is subject to an excise tax of five cents per
35 gallon for the period May 1, 1981 to June 30, 1983.

36 b. That portion of motor fuel remaining shall
37 be considered motor fuel which is subject to an excise
38 tax of ten cents per gallon.

39 c. In addition to the tax imposed under paragraphs
40 a and b of this section, there is imposed a fine of
41 twenty dollars to be credited to the road use tax
42 fund.

43 3. If the amount of the alcohol blended with motor
44 fuel is short by more than one and one one-hundredths
45 percent of the total, the motor fuel blended with
46 the alcohol is subject to the tax imposed on motor
47 fuel under section 324.3.

48 This section is repealed June 30, 1983.

49 Sec. 14. **NEW SECTION.** The exclusive method of
50 determining gallonage of any purchases or sales of

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1 motor fuel and special fuel as defined in chapter
2 324 and distillate fuels shall be on a gross volume
3 basis. A temperature-adjusted or other method shall
4 not be used, except as it applies to liquefied
5 petroleum gas and the sale or exchange of petroleum
6 products between petroleum refiners. All invoices,
7 bills of lading, or other records of sale or purchase
8 and all reports or records required to be made, kept,
9 and maintained by a distributor or dealer shall be
10 made, kept, and maintained on the gross volume basis.
11 For purposes of this section, "distillate fuels" means
12 any fuel oil, gas oil, topped crude oil, or other
13 petroleum oils derived by refining or processing crude

14 oil or unfinished oils which have a boiling range
15 at atmospheric pressure which falls completely or
16 in part between five hundred fifty and twelve hundred
17 degrees Fahrenheit.

18 Sec. 15. The legislative council shall employ
19 a consulting firm or person with a background and
20 expertise in transportation to conduct an independent
21 study of the state department of transportation to
22 determine staff requirements, administrative structure,
23 and general efficiency of the department within the
24 funding available. The study shall also review highway
25 design standards used by the department and bid
26 procedures used by the department in letting road
27 construction and maintenance contracts. The study
28 shall include a study of the feasibility of contracting
29 with road contractors for highway maintenance services.
30 The consultant shall also recommend which parcels
31 of right of way owned by the department should be
32 sold. However, a consulting firm or person who has
33 worked for the state department of transportation
34 within the last five years shall not be eligible for
35 employment to conduct the study required under this
36 section.

37 The report of the study shall be submitted to the
38 Sixty-ninth General Assembly, 1982 Session, not later
39 than January 11, 1982.

40 Sec. 16. It is the intent of the general assembly
41 that not later than January 1, 1985, the state
42 department of transportation shall dispose of all
43 right of way owned by the department and not needed
44 for projects.

45 Sec. 17. Section 14 of this Act is retroactive
46 to July 1, 1978 and applies to motor fuel and alcohol
47 distilled from agricultural products blended on or
48 after that date.

49 Sec. 18. This Act, being deemed of immediate
50 importance, takes effect from and after its publication

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1 in the Ames Daily Tribune, a newspaper published in
2 Ames, Iowa, and in The Des Moines Register, a newspaper
3 published in Des Moines, Iowa."

The following amendment H-4499, to amendment H-4497,
filed by Schroeder of Pottawattamie from the floor was adopted by
unanimous consent:

H—4499

- 1 Amend amendment H—4497, to Senate File 561, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, line 45, by striking the figure
- 5 "14" and inserting in lieu thereof the figure "13".

Schroeder of Pottawattamie offered the following amendment H—4498, to amendment H—4497, filed by Schroeder, Lageschulte, Carpenter, Holt, Tofte, Schneklath, Branstad, Poffenberger, Brandt, Connolly, Jochum, Lloyd-Jones, Harbor, Hoffmann, Smith, Hummel, Halvorson of Clayton and Diemer from the floor:

H—4498

- 1 Amend the Schroeder amendment, H—4497, to Senate
- 2 File 561, as amended, passed, and reprinted by the
- 3 Senate, as follows:
- 4 1. By striking page 1, line 3, through page 7,
- 5 line 3, and inserting in lieu thereof the following:
- 6 "1. By striking everything after the enacting
- 7 clause and inserting in lieu thereof the following:
- 8 "Section 1. Section 306.9, Code 1981, is amended
- 9 by adding the following new unnumbered paragraph:
- 10 NEW UNNUMBERED PARAGRAPH. Unless otherwise required
- 11 by the federal law or regulation, it is also the
- 12 policy of this state that road use tax fund moneys
- 13 shall be used to rehabilitate or reconstruct existing
- 14 roads, streets, and bridges using substantially
- 15 existing right of way. This paragraph shall not apply
- 16 where additional right of way is needed for the
- 17 construction or completion of designated interstate
- 18 or city routes and highway bypasses.
- 19 Sec. 2. Section 312.3, subsection 1, paragraph
- 20 a, Code 1981, is amended to read as follows:
- 21 a. "Hold harmless period" means the fiscal years
- 22 beginning July 1, 1979 and ending June 30, ~~1983~~ 1985.
- 23 Sec. 3. Chapter 312, Code 1981, is amended by
- 24 adding the following new section:
- 25 NEW SECTION. It is the intent of the general
- 26 assembly that moneys credited to the road use tax
- 27 fund shall not be appropriated for the payment of
- 28 salaries, support, or maintenance of any personnel
- 29 in the department of public safety.
- 30 Sec. 4. Section 321.1, subsection 71, Code 1981,
- 31 is amended to read as follows:
- 32 71. A "special truck" means a motor truck not
- 33 used for hire with a gross weight registration of
- 34 eight through ~~eighteen~~ twenty tons used by a person

35 engaged in farming to transport commodities produced
36 only by the owner, or to transport commodities
37 purchased by the owner for use in his or her own
38 farming operation or occasional use for charitable
39 purposes.

40 Sec. 5. Section 324.3, unnumbered paragraph 1,
41 Code 1981, is amended to read as follows:

42 For the privilege of operating motor vehicles in
43 this state an excise tax of ~~eight and one-half cents~~
44 ~~per gallon beginning July 1, 1978, and ten thirteen~~
45 ~~cents per gallon beginning July September 1, 1979~~
46 ~~1981 is hereby imposed upon the use of all motor fuel~~
47 ~~used for any purpose except motor fuel containing~~
48 ~~at least ten percent alcohol distilled from~~
49 ~~agricultural products for the period beginning July~~
50 ~~1, 1978 and ending June 30, 1983 and except as~~

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1 otherwise provided in this division. The tax shall
2 be paid in the first instance by the distributor upon
3 the invoiced gallonage of all motor fuel received
4 by the distributor in this state, within the meaning
5 of the word "received" as defined in this division,
6 less the deductions hereinafter authorized.
7 Thereafter, except as otherwise provided, the per
8 gallon amount of ~~such~~ the tax shall be added to the
9 selling price of ~~each and every~~ gallon of such motor
10 fuel sold in this state and collected from the
11 purchaser ~~to the end~~ so that the ultimate consumer
12 ~~shall bear~~ bears the burden of ~~such the~~ tax; provided,
13 however, that ~~no~~ tax shall ~~not~~ be imposed or collected
14 under this division with respect to the following:

15 Sec. 6. Section 324.3, unnumbered paragraph 2,
16 Code 1981, is amended to read as follows:

17 Motor fuel shall be sold tax paid to the state
18 of Iowa, any of its agencies, or to any political
19 subdivision of the state, including motor fuel sold
20 for the transportation of pupils of approved public
21 and nonpublic schools by a contract carrier who
22 contracts with the public school under section 285.5
23 for the transportation of public and nonpublic school
24 pupils under chapter 285. Tax on fuel which is used
25 for public purposes ~~shall be~~ is subject to refund,
26 including tax paid on motor fuel sold for the
27 transportation of school pupils of approved public
28 and nonpublic schools by a contract carrier who
29 contracts with the public school under section 285.5
30 for the transportation of public and nonpublic school
31 pupils under chapter 285. Claims for refunds will
32 be filed with the department on a quarterly basis

33 and in no case will the director shall not grant a
34 refund of motor fuel or special fuel tax where a claim
35 is not filed within one year from the date the tax
36 was due. The claim shall contain the number of gallons
37 purchased, the calculation of the amount of motor
38 fuel and special fuel tax subject to refund and any
39 other information required by the department necessary
40 to process the refund.

41 Sec. 7. Section 324.3, unnumbered paragraph 3,
42 Code 1981, is amended to read as follows:

43 For the privilege of operating motor vehicles in
44 this state an excise tax of five cents per gallon
45 for the period beginning May 1, 1981 and ending August
46 31, 1981 and an excise tax of six cents per gallon
47 for the period beginning September 1, 1981 and ending
48 June 30, 1983, is hereby imposed upon the use of
49 gasohol used for any purpose except as otherwise
50 provided in this division.

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1 Sec. 8. Section 324.8, subsection 4, Code 1981,
2 is amended to read as follows:

3 4. From the total number of invoiced gallons of
4 motor fuel "received" by the distributor within the
5 state during the next preceding calendar month shall
6 be made the following deductions:

7 First, the gallonage of motor fuel received and
8 thereafter sold within the exemptions provided for
9 in section 324.3; and second, the number of gallons
10 of motor fuel equal to ~~three~~ two per centum of the
11 first three hundred thousand gallons and one ~~and one~~
12 ~~quarter~~ per centum of all gallonage in excess of three
13 hundred thousand gallons of invoiced gallons of motor
14 fuel received by the distributor within this state
15 during the next preceding calendar month after
16 deduction provided in this subsection, this percentage
17 being a flat allowance to cover evaporation, shrinkage,
18 and losses, and the distributor's expenses and losses
19 in collection, accounting for, and paying over the
20 motor fuel tax.

21 Sec. 9. Section 324.8, subsection 6, Code 1981,
22 is amended to read as follows:

23 6. The sum of the number of invoiced gallons of
24 gasohol which are received tax free by the distributor
25 during the next preceding calendar month less the
26 number of gallons of gasohol equal to two per centum
27 of the first three hundred thousand gallons and one
28 per centum of all gallonage in excess of three hundred
29 thousand gallons of gasohol received or blended by
30 the distributor within this state during the next

31 preceding calendar month after deduction provided
32 in this subsection, this percentage being a flat
33 allowance to cover evaporation, shrinkage and losses
34 in collection, accounting for, and paying over the
35 tax on gasohol, and the number of gallons of gasohol
36 blended by the distributor during the next preceding
37 calendar month shall be multiplied by the per gallon
38 motor fuel tax rate applicable to gasohol.
39 Sec. 10. Section 324.34, unnumbered paragraph
40 1, Code 1981, is amended to read as follows:
41 For the privilege of operating motor vehicles in
42 this state, there is hereby levied and imposed an
43 excise tax on the use (as defined herein) of special
44 fuel in any motor vehicle. The rate of tax on special
45 (diesel engine) fuel shall be ten cents per gallon
46 beginning July 1, 1978, and shall be eleven and one-
47 half cents per gallon beginning July 1, 1979 is
48 thirteen and one-half cents per gallon beginning
49 September 1, 1981 and fifteen and one-half cents per
50 gallon beginning July 1, 1982. On all other special

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1 fuel the per gallon rate shall be is the same as the
2 motor fuel tax. The tax, with respect to all special
3 fuel delivered by a special fuel dealer for use in
4 this state as defined by section 324.33, shall attach
5 at the time of the delivery and shall be collected
6 by the dealer from the special fuel user and shall
7 be paid over to the department of revenue as
8 hereinafter provided in this chapter. The tax, with
9 respect to special fuel acquired by a special fuel
10 user in any manner other than by delivery by a special
11 fuel dealer into a fuel supply tank of a motor vehicle
12 or delivery into a motor vehicle special fuel holding
13 tank by a special fuel dealer or distributor, shall
14 attach at the time of the use (as herein defined)
15 of the fuel and shall be paid over to the department
16 of revenue by the user as hereinafter provided in
17 this chapter.

18 Sec. 11. Section 324.35, unnumbered paragraph
19 2, Code 1981, is amended to read as follows:
20 Tax on special fuel sold to the state of Iowa,
21 any of its agencies, or any political subdivisions
22 of the state where such fuel is used for public
23 purposes shall be is subject to refund, including
24 tax paid on special fuel sold for the transportation
25 of school pupils of approved public and nonpublic
26 schools by a contract carrier who contracts with the
27 public school under section 285.5 for the
28 transportation of public and nonpublic school pupils

29 under chapter 285. Claims shall be filed in accordance
30 with the claims for motor fuel tax refunds provided
31 by section 324.3.

32 Sec. 12. Section 324.54, unnumbered paragraphs
33 2 and 3, Code 1981, are amended to read as follows:

34 Notwithstanding any provision of this chapter to
35 the contrary, except as provided in this section,
36 the holder of a permanent permit may make application
37 to the state department of transportation for a refund,
38 not later than the last day of the third month
39 following the quarter in which the overpayment of
40 Iowa fuel tax paid on excess purchases of motor fuel
41 or special fuel was reported as provided in section
42 324.8, and which application is supported by such
43 proof as the state department of transportation may
44 require. The state department of transportation shall
45 refund Iowa fuel tax paid on motor fuel or special
46 fuel purchased in excess of the amount consumed by
47 such commercial motor vehicles in their operation
48 on the highways of this state.

49 Application for a refund of fuel tax under the
50 provisions of this division must be made for each

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1 quarter in which the excess payment was reported,
2 and will not be allowed unless the amount of fuel
3 tax paid on the fuel purchased in this state, in
4 excess of that consumed for highway operation in this
5 state in the quarter applied for, is in an amount
6 exceeding ten dollars. An application for a refund
7 of excess Iowa fuel tax paid under the provisions
8 of this division which is filed for any period or
9 in any manner other than herein set out shall not
10 be allowed.

11 Sec. 13. Chapter 324, Code 1981, is amended by
12 adding the following new section:

13 **NEW SECTION. GASOHOL BLENDING ERRORS.** Where
14 blending errors have occurred and an insufficient
15 amount of alcohol distilled from agricultural products
16 has been blended with motor fuel so that the mixture
17 fails to qualify as gasohol, the department shall
18 determine the tax liability as follows:

19 1. If the amount of the alcohol blended with motor
20 fuel is short by five gallons or less, the alcohol
21 and motor fuel blended shall be considered gasohol.
22 and there shall be no penalty or assessment of
23 additional taxes.

24 2. If the amount of the alcohol blended with motor
25 fuel is short by more than five gallons but the alcohol
26 blended with the motor fuel is short by one and one

27 one-hundredths percent or less of the amount of alcohol
28 and motor fuel blended, the motor fuel shall be divided
29 for tax purposes into gasohol and motor fuel con-
30 taining no alcohol as follows:

31 a. That portion which is alcohol distilled from
32 agricultural products shall be added to motor fuel
33 on the basis of one part alcohol to nine parts motor
34 fuel to determine the portion which is considered
35 gasohol gallonage which is exempt from the excise
36 tax for the period July 1, 1978 to April 30, 1981
37 and is subject to an excise tax of five cents per
38 gallon for the period May 1, 1981 to June 30, 1983.

39 b. That portion of motor fuel remaining shall
40 be considered motor fuel which is subject to an excise
41 tax of ten cents per gallon.

42 c. In addition to the tax imposed under paragraphs
43 a and b of this section, there is imposed a fine of
44 twenty dollars to be credited to the road use tax
45 fund.

46 3. If the amount of the alcohol blended with motor
47 fuel is short by more than one and one one-hundredths
48 percent of the total, the motor fuel blended with
49 the alcohol is subject to the tax imposed on motor
50 fuel under section 324.3.

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1 This section is repealed June 30, 1983.

2 Sec. 14. **NEW SECTION.** The exclusive method of
3 determining gallonage of any purchases or sales of
4 motor fuel and special fuel as defined in chapter
5 324 and distillate fuels shall be on a gross volume
6 basis. A temperature-adjusted or other method shall
7 not be used, except as it applies to liquefied
8 petroleum gas and the sale or exchange of petroleum
9 products between petroleum refiners. All invoices,
10 bills of lading, or other records of sale or purchase
11 and all reports or records required to be made, kept,
12 and maintained by a distributor or dealer shall be
13 made, kept, and maintained on the gross volume basis.
14 For purposes of this section, "distillate fuels" means
15 any fuel oil, gas oil, topped crude oil, or other
16 petroleum oils derived by refining or processing crude
17 oil or unfinished oils which have a boiling range
18 at atmospheric pressure which falls completely or
19 in part between five hundred fifty and twelve hundred
20 degrees Fahrenheit.

21 Sec. 15. The legislative council shall employ
22 a consulting firm or person with a background and
23 expertise in transportation to conduct an independent
24 study of the state department of transportation to

25 determine staff requirements, administrative structure,
26 and general efficiency of the department within the
27 funding available. The study shall also review highway
28 design standards used by the department and bid
29 procedures used by the department in letting road
30 construction and maintenance contracts. The study
31 shall include a study of the feasibility of contracting
32 with road contractors for highway maintenance services.
33 The consultant shall also recommend which parcels
34 of right of way owned by the department should be
35 sold. However, a consulting firm or person who has
36 worked for the state department of transportation
37 within the last five years shall not be eligible for
38 employment to conduct the study required under this
39 section.

40 The report of the study shall be submitted to the
41 Sixty-ninth General Assembly, 1982 Session, not later
42 than January 11, 1982.

43 Sec. 16. It is the intent of the general assembly
44 that not later than January 1, 1985, the state
45 department of transportation shall dispose of all
46 right of way owned by the department and not needed
47 for projects.

48 Sec. 17. Section 14 of this Act is retroactive
49 to July 1, 1978 and applies to motor fuel and alcohol
50 distilled from agricultural products blended on or

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1 after that date.

2 Sec. 18. This Act, being deemed of immediate
3 importance, takes effect from and after its publication
4 in the Ames Daily Tribune, a newspaper published in
5 Ames, Iowa, and in The Des Moines Register, a newspaper
6 published in Des Moines, Iowa." "

The House stood at ease at 4:25 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Stromer in the chair.

Schroeder of Pottawattamie asked and received unanimous consent to defer action on amendment H-4497, to amendment H-4498, and amendment H-4498.

Hoffmann of Muscatine called up for consideration the motion to reconsider amendment H-4297A, filed by her on May 20, 1981 and moved to reconsider the vote by which amendment H-4297A was adopted by the House on May 20, 1981.

Roll call was requested by Tyrrell of Iowa and Smalley of Polk.

Rule 80 was invoked.

On the question "Shall the motion prevail to reconsider amendment H—4297A?"

The ayes were, 52:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Bruner	Carpenter	Clark, B. J.
Conlon	Connolly	Corey	Crabb
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Hummel	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Maulsby	Menke	Mullins	Pellett
Petrick	Poffenberger	Pope	Rapp
Ritsema	Schnekloth	Schroeder	Shimanek
Shull	Smith	Stueland	Swearingen
Tofte	Trucano	Welden	Mr. Speaker

The nays were, 44:

Arnould	Avenson	Binneboese	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Cook	Cusack	Danker	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Jay	Johnson, J.	Johnson, R.
Lind	Loneragan	Mann	McKean
Miller	Norland	O'Kane	Oxley
Pavich	Pelton	Poncy	Renaud
Renken	Running	Smalley	Spear
Sturgeon	Sullivan	Swartz	Tyrrell
Van Maanen	Walter	Welsh	Woods

Absent or not voting, 4:

Clements	Connors	Doderer	Egenes
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The motion prevailed and the House reconsidered amendment H—4297A (lines 3 and 4) found on page 2088 of the House Journal.

Tyrrell of Iowa moved the adoption of amendment H—4297A.

Roll call was requested by Woods of Polk and Tyrrell of Iowa.

Rule 80 was invoked.

On the question "Shall amendment H—4297A be adopted?"

The ayes were, 42:

Arnould	Avenson	Binneboese	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Cook	Cusack	Danker	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Jay	Johnson, J.	Johnson, R.
Lind	Loneragan	Mann	McKean
Norland	O'Kane	Oxley	Pavich
Pelton	Poncy	Renaud	Renken
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Tyrrell	Van Maanen
Walter	Woods		

The nays were, 55:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Bruner	Carpenter	Clark, B. J.
Conlon	Connolly	Corey	Crabb
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Howell	Hummel	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Maulsby	Menke	Miller
Mullins	Pellett	Petrick	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Trucano
Welden	Welsh	Mr. Speaker	

Absent or not voting, 3:

Clements	Connors	Egenes
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Amendment H—4297A lost, placing back in order amendments H—4306 and H—4309 previously out of order.

Welsh of Dubuque offered amendment H—4309 filed by him and Clark of Lee and moved its adoption:

H—4309

- 1 Amend Senate File 561 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 20, by striking the word "thirteen"
- 4 and inserting in lieu thereof the word "twelve".
- 5 2. Page 1, line 21, by inserting after the number
- 6 "1981" the following: "and thirteen cents per gallon
- 7 beginning July 1, 1982".

Roll call was requested by Pelton of Clinton and Smalley of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—4309 be adopted?"

The ayes were, 48:

Anderson, R.	Arnould	Avenson	Binneboese
Byerly	Carl	Chiodo	Clark, J. H.
Cochran	Cook	Cusack	Davitt
Dieleman	Doderer	Gross	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Johnson, J.	Johnson, R.	Lind
Lonergan	Mann	McKean	Miller
Norland	O'Kane	Oxley	Pavich
Pelton	Poncy	Renaud	Renken
Ritsema	Running	Smalley	Spear
Sturgeon	Sullivan	Swartz	Tyrrell
Van Maanen	Walter	Welsh	Woods

The nays were, 49:

Anderson, J.	Bennett	Brandt	Branstad
Bruner	Carpenter	Clark, B. J.	Conlon
Connolly	Corey	Crabb	Crawford
Daggett	Danker	De Groot	Diemer
Gettings	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann	Holt	Hummel
Jochum	Johnson, W.	Kirkenslager	Krewson
Lageschulte	Lloyd-Jones	Maulsby	Menke
Mullins	Pellett	Petrick	Poffenberger
Pope	Rapp	Schneklath	Schroeder
Shimanek	Shull	Smith	Stueland
Swearingen	Tofte	Trucano	Welden
Mr. Speaker			

Absent or not voting, 3:

Clements	Connors	Egenes
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Amendment H—4309 lost.

Howell of Floyd offered amendment H—4306 filed by him and moved its adoption:

H-4306

- 1 Amend Senate File 561 as amended, passed,
- 2 and reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 35 and
- 4 inserting in lieu thereof the following:
- 5 "burden of such the tax except that any individual
- 6 who owns and operates a motor vehicle whose city
- 7 gas mileage rating by the environmental protection
- 8 agency exceeds 25 miles per gallon may apply for a
- 9 refund of 10 percent of such tax by furnishing the
- 10 state department of transportation such proof as the
- 11 department may require; provided, however, that no tax shall".

Amendment H-4306 lost.

Pope of Polk asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m.

The House resumed consideration of amendment H-4498 (to amendment H-4497).

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendments H-4497 and H-4498 (to amendment H-4497).

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H-4263B filed by him on August 12, 1981.

The following amendment H-4502 filed by Lageschulte of Bremer from the floor was adopted by unanimous consent:

H-4502

- 1 Amend Senate File 561, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, by striking line 2, and inserting
- 4 in lieu thereof the following: "tax on motor fuel and
- 5 special fuel, reducing the tax on gasohol, affecting
- 6 the functions of the state department of transportation,
- 7 providing".

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

On the question "Shall the bill pass?" (S.F. 561)

The ayes were, 55:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Bruner	Carpenter	Clark, B. J.
Conlon	Cannolly	Corey	Crabb
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Holt	Howell	Hummel	Jochum
Johnson, W.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Maulsby	Menke	Miller
Mullins	Pellett	Petrick	Poffenberger
Pope	Rapp	Ritsema	Schnekloth
Schroeder	Shimanek	Shull	Smith
Stueland	Swearingen	Tofte	Trucano
Welden	Welsh	Mr. Speaker	

The nays were, 41:

Arnould	Avenson	Binneboese	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Cook	Cusack	Danker	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Jay	Johnson, J.	Johnson, R.
Lonergan	Mann	McKean	Norland
O'Kane	Oxley	Pavich	Pelton
Poncy	Renaud	Renken	Running
Smalley	Spear	Sturgeon	Sullivan
Swartz	Tyrrell	Van Maanen	Walter
Woods			

Absent or not voting, 4:

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

IMMEDIATE MESSAGE
(Senate File 561)

Pope of Polk asked and received unanimous consent that Senate File 561 be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on August 13, 1981, amended and passed the following bill in which the concurrence of the Senate was asked:

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 and providing for an expansion and clarification of the powers and duties of the Iowa railway finance authority.

Also: That the Senate has on August 13, 1981, passed the following bill in which the concurrence of the House is asked:

Senate File 582, a bill for an act relating to the extension of the deadline for the filing of claims for additional property tax relief for the elderly and disabled under Chapter 425.

LINDA HOWARTH MACKAY, Secretary

**MOTION TO RECONSIDER
(Senate File 581)**

I move to reconsider the vote by which Senate File 581 passed the House on August 13, 1981.

TYRRELL of Iowa

PRESENTATION OF VISITORS

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

Eight students from Quakerdale Childrens Home, New Providence, accompanied by Becky Bittle and Darrell Baily. By Cook of Hardin.

AMENDMENTS FILED

H-4501

H.F. 874

Senate Amendment

On motion by Pope of Polk, the House was adjourned at 5:52 p.m., until 9:00 a.m., Friday, August 14, 1981.

JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, August 14, 1981

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

Prayer was offered by the Honorable Karen Mann, state representative from Greene County.

The Journal of Thursday, August 13, 1981 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clements of Scott on request of Mann of Greene.

ADOPTION OF HOUSE RESOLUTION 23

Pope of Polk asked and received unanimous consent for the immediate consideration of House Resolution 23, honoring Gerald L. Bogan, found on pages 30 and 31 of the August 12, 1981 Journal.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 9:21 a.m., Speaker Stromer in the chair.

The House stood at ease at 9:23 a.m., until the fall of the gavel.

The House resumed session at 9:36 a.m., Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on August 14, 1981, refused to concur in the House amendment to the following bill in

which the concurrence of the Senate was asked:

Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, and providing for a study of the state department of transportation.

LINDA HOWARTH MACKAY, Secretary

HOUSE INSISTS

Lageschulte of Bremer called up for consideration **Senate File 561**, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation, and moved that the House insist on its amendment.

The motion prevailed and the House insisted on its amendment.

CONFERENCE COMMITTEE APPOINTED (Senate File 561)

The Speaker announced the appointment of the conference committee to consider the difference between the House and Senate concerning Senate File 561: Lageschulte of Bremer, Chair; Harbor of Mills, Schroeder of Pottawattamie, Brandt of Black Hawk and Norland of Worth.

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session at 9:58 a.m., Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee on the part of the Senate, appointed August 14, 1981, on Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, and providing for a study of the state

department of transportation, are: The Senator from Winneshiek, Senator Craft, Chair; the Senator from Muscatine, Senator Drake; the Senator from Polk, Senator Kinley; the Senator from Hardin, Senator Taylor; and the Senator from Mahaska, Senator Van Gilst.

LINDA HOWARTH MACKAY, Secretary

SENATE MESSAGE CONSIDERED

Senate File 582, by committee on ways and means, a bill for an act relating to the extension of the deadline for the filing of claims for additional property tax relief for the elderly and disabled under chapter 425.

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

HOUSE RULES SUSPENDED

Pope of Polk asked and received unanimous consent to suspend the rules for a committee on ways and means meeting.

The House stood at ease at 10:00 a.m., until the fall of the gavel.

The House resumed session at 11:17 a.m., Speaker Stromer in the chair.

SENATE AMENDMENT CONSIDERED

Harbor of Mills 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, amended by the Senate amendment H-4501 as follows:

H-4501

1 Amend House File 874 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, lines 4 and 5, by striking the words
4 "to this state or a political subdivision of this
5 state" and inserting in lieu thereof the words "to
6 a political subdivision of this state".

7 2. Page 6, by striking lines 12 through 27 and
8 inserting in lieu thereof the following: "The
9 authority shall not submit a bid to acquire a railway
10 facility if any railroad company or person is
11 negotiating for the facility's purchase and if the
12 railroad company's or person's offer exceeds the net
13 salvage value set by the trustee by at least fifteen
14 percent and the offer is for a segment which originates
15 and terminates at the intersection of another railroad
16 mainline or is for a segment which connects to a
17 mainline if the facility is a branchline. However,
18 even if a railroad company or person is negotiating
19 for a facility's purchase, the authority may submit
20 a bid for the acquisition of the railway facility
21 upon approval of a resolution by the state
22 transportation commission stating that the best
23 interests of the state and the transportation needs
24 thereof might not be served by the railroad company's
25 or person's offer or negotiation. However, the
26 commission shall not adopt such a resolution if the
27 competing railroad corporation or person files with
28 the state department of transportation an enforceable
29 undertaking to operate the facility for a period of
30 five years after its purchase."

31 3. Page 7, line 24, by inserting after the word
32 "facility" the words "that is owned or financially
33 assisted by the authority alone or in any other
34 association with any other person".

35 4. Page 9, line 25, by striking the words "the
36 state or".

37 5. Page 9, line 27, by striking the words "
38 except for those" and inserting in lieu thereof the
39 words ". Except for those tax".

40 6. Page 9, line 28, by inserting after the word
41 "fund" the following: "as provided in section 307.29,
42 section 20 of this Act, and section 29 of this Act,
43 the state shall not appropriate tax funds, directly
44 or indirectly, to the authority for the purpose of
45 payment of obligations of the authority".

46 7. Page 10, line 27, by striking the word "may"
47 and inserting in lieu thereof the word "shall".

48 8. Page 12, line 5, by inserting before the word
49 "twenty" the words "at least".

50 9. Page 14, by striking lines 22 and 23 and

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1 inserting in lieu thereof the following: "or provision
2 and no appropriation shall be made, directly or
3 indirectly,".

4 10. Page 14, line 25, by inserting after the word
5 "judgments" the words "or to fund any deficiency in
6 the special railroad facility fund".

7 11. Page 17, line 21, by inserting after the word
8 "authority." the following: "However, properties
9 owned by the authority which are leased or rented
10 to a private person shall include as part of the
11 rates, rents, fees, or charges payable by that person
12 a sum equal to the amount of tax, determined by
13 applying the tax rate of the taxing district to the
14 assessed value of the property, which the state,
15 county, city, school district or other political
16 subdivision would receive if the property were owned
17 by a private person, any other statute to the contrary
18 notwithstanding. This sum shall be distributed to
19 each taxing district based upon its tax equivalent.
20 For purposes of arriving at that tax equivalent, the
21 property shall be valued and assessed by the assessor
22 in whose jurisdiction the property is located, in
23 accordance with chapter 441, but the authority, the
24 lessee or renter on behalf of the authority, and other
25 persons as are authorized by chapter 441 shall be
26 entitled to protest any assessment and take appeals
27 in the same manner as any taxpayer. The valuations
28 shall be included in any summation of valuations in
29 the taxing district for all purposes known to the
30 law. Income from this source shall be considered
31 under the provisions of section 384.16, subsection
32 1, paragraph "b"."

33 12. Page 20, line 21, by inserting after the word
34 "authority." the following: "The state treasurer
35 is authorized to invest the funds deposited in the
36 special railroad facility fund at the direction of
37 the authority and subject to any limitations contained
38 in the bond proceedings. The income from such
39 investment shall be credited to and deposited in the
40 special railroad facility fund."

41 13. Page 20, by inserting after line 30 the
42 following:

43 "Any moneys credited to the special railroad
44 facility fund under sections 20 and 29 of this Act
45 shall be deposited in a separate account within the
46 special railroad facility fund. The authority may
47 issue obligations under this chapter which are secured
48 solely by the moneys to be deposited in that separate
49 account and the holders or owners of any such
50 obligations shall have no rights to payment of bond

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1 service charges from any other funds in the special
2 railroad facility fund, including any moneys accruing
3 to the authority from the lease, sale or other
4 disposition, or use of railway facilities, or from
5 payment of the principal of or interest on loans made,
6 or from any other use of the proceeds of the sale
7 of the obligations, and no such moneys may be used
8 for the payment of bond service charges on any such
9 obligations, except for accrued interest, capitalized
10 interest, and reserves funded from proceeds received
11 upon the sale of the obligations."

12 14. Page 23, by inserting after line 14 the
13 following:

14 "7. If a railroad company believes that the method
15 of computing the tax by the prescribed mileage formula
16 has operated or will so operate as to subject to
17 taxation a greater portion of fuel than is reasonably
18 attributable to use for the propulsion of a railway
19 vehicle in this state, it shall be entitled to file
20 with the department a statement of objections and
21 of such alternative method of determining fuel use
22 in this state as it believes to be proper under the
23 circumstances. If the department concludes that the
24 mileage formula, in fact, does not reasonably attribute
25 fuel use to the state, it shall redetermine the tax
26 per gallons of fuel by such methods as seems best
27 calculated to assign to the state the portion of fuel
28 reasonably used in this state."

Johnson of Linn offered the following amendment H-4503, to the Senate amendment H-4501, filed by Johnson of Linn, Miller, Schnekloth and Pavich from the floor:

H-4503

1 Amend the Senate amendment, H-4501, to House File
2 874 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 3, line 11, by inserting after the word
5 "obligations." the following: "The funds deposited
6 in that separate account shall not be used to pay
7 for the operation of any railroad or to pay any
8 operating subsidy for any railroad. If on the first
9 day of July, 1982 or the first day of July of any
10 year thereafter, the funds accumulated in that separate
11 account exceed two times the bond service charges
12 for the next succeeding twenty-four months on the
13 obligations issued by the authority secured by the

14 funds in that separate account, the tax imposed by
 15 section 24 of this Act shall be suspended for the
 16 next following twelve months and shall not be due
 17 or collected during those months but the report
 18 required by section 26 of this Act shall be required
 19 for those months."

QUORUM CALL

Roll call was requested by Anderson of Jasper and Hansen of O'Brien to determine that a quorum was present.

Present, 96:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiado
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Miller	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Running	Schneklath
Schroeder	Shimaneck	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

Absent, 4:

Avenson	Clements	Cusack	Egenes
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Johnson of Linn moved the adoption of amendment H—4503, to Senate amendment H—4501.

Roll call was requested by Pelton of Clinton and Cochran of Webster.

On the question "Shall amendment H—4503 be adopted?"

The ayes were, 38:

Avenson	Byerly	Clark, J. H.	Cochran
Conlon	Connors	Gettings	Gross
Hall	Halvorson, R. N.	Horn	Jay
Jochum	Johnson, J.	Johnson, R.	Kirkenslager
Lonergan	Mann	Maulsby	Miller
O'Kane	Oxley	Pavich	Pelton
Poncy	Renaud	Renken	Running
Schneklath	Smalley	Smith	Spear
Sturgeon	Sullivan	Van Maanen	Walter
Welsh	Woods		

The nays were, 58:

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

Absent or not voting, 4:

Clements	Cusack	Egenes	Shimanek
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Amendment H—4503 lost.

Pope of Polk asked and received unanimous consent to defer action on House File 874 and the Senate amendment H—4501.

REFERRED TO COMMITTEE ON TRANSPORTATION
(House Resolution 22)

Davitt of Warren asked and received unanimous consent for the immediate consideration of House Resolution 22, relating to the Air Traffic Controllers' dispute found on page 29 of the August 12, 1981 House Journal.

Harbor of Mills moved that House Resolution 22 be referred to the committee on transportation.

Roll call was requested by Connors of Polk and O'Kane of Woodbury.

On the question "Shall the resolution be referred to committee?" (H.R. 22)

The ayes were, 49:

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

The nays were, 46:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Conlon	Connolly	Connors
Davitt	De Groot	Dieleman	Doderer
Gettings	Groth	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Johnson, J.
Kirkenslager	Lloyd-Jones	Lonergan	Miller
Norland	O'Kane	Pavich	Poncy
Rapp	Renaud	Ritsema	Running
Shull	Smalley	Spear	Sturgeon
Sullivan	Trucano	Tyrrell	Walter
Welsh	Woods		

Absent or not voting, 5:

Clements	Cusack	Egenes	Pelton
Swartz			

The motion prevailed and House Resolution 22 was referred to the committee on transportation.

On motion by Pope of Polk, the House was recessed at 12:10 p.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 82 members present, 18 absent.

COMMITTEE RECOMMENDATION

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

ELIZABETH A. ISAACSON
Acting Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 582, a bill for an act relating to the extension of the deadline for the filing of claims for additional property tax relief for the elderly and disabled under chapter 425.

Fiscal Note is not required.

Recommended **Do Pass**.

CONSIDERATION OF BILLS

Pursuant to House Concurrent Resolution 46, duly adopted, and Joint Rule 3, Pope of Polk called up for consideration **Senate File 582**, a bill for an act relating to the extension of the deadline for the filing of claims for additional property tax relief for the elderly and disabled under chapter 425.

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

On the question "Shall the bill pass?" (S.F. 582)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crawford	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonerган	Mann	Maulsby
McKean	Miller	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poney	Pope
Rapp	Renaud	Ritsema	Running
Schroeder	Shimanek	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, 7:

Branstad	Crabb	Halvorson, R. A.	Holt
Menke	Renken	Schneklath	

Absent or not voting, 7:

Clements	Cusack	Doderer	Egenes
Pelton	Tofte	Welsh	

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

SPECIAL REMARKS

In honor of Representative Reid Crawford, who is resigning from the House of Representatives to take a position as Assistant to the President of Iowa State University, Menke of O'Brien rose on a point of personal privilege to congratulate him and wish him success in his new position.

The House rose and expressed its appreciation to Representative Crawford for his years of service.

The House stood at ease at 2:05 p.m., until the fall of the gavel.

The House resumed session at 2:20 p.m., Speaker Stromer in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on August 14, 1981, adopted the conference committee report and passed Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, and providing for a study of the state department of transportation.

LINDA HOWARTH MACKAY, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Arnould of Scott.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 561)

Lageschulte of Bremer called up for consideration the report of the conference committee on Senate File 561 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 561

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation, respectfully submit the following report:

1. That the House recede from its amendment, S-3938, to Senate File 561, as amended, passed, and reprinted by the Senate.

2. That Senate File 561, as amended, passed, and reprinted by the Senate be amended as follows:

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

"Section 1. Section 306.9, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Unless otherwise required by the federal law or regulation, it is also the policy of this state that road use tax fund moneys shall be used to rehabilitate or reconstruct existing roads, streets, and bridges using substantially existing right of way. This paragraph shall not apply where additional right of way is needed for the construction or completion of designated interstate or city routes and highway bypasses.

Sec. 2. Chapter 307, Code 1981, is amended by adding the following new section:

NEW SECTION. The department shall institute a program to combine inspection functions where feasible and to train construction inspectors to perform several inspection functions to reduce the number of construction inspectors employed by the department and the number of construction inspectors required for each construction project.

Sec. 3. Section 312.3, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. "Hold harmless period" means the fiscal years beginning July 1, 1979 and ending June 30, ~~1983~~ 1985.

Sec. 4. Chapter 312, Code 1981, is amended by adding the following new section:

NEW SECTION. It is the intent of the general assembly that moneys credited to the road use tax fund shall not be appropriated for the payment of salaries, support, or maintenance of any personnel in the department of public safety.

Sec. 5. Section 321.1, subsection 71, Code 1981, is amended to read as follows:

71. A "special truck" means a motor truck not used for hire with a gross weight registration of eight through ~~eighteen~~ twenty tons used by a person engaged in farming to transport commodities produced only by the owner, or to transport commodities purchased by the owner for use in ~~his~~ the owner's own farming operation or occasional use for charitable purposes.

Sec. 6. Section 321.121, Code 1981, is amended to read as follows:

321.121 SPECIAL TRUCKS FOR FARM USE. The registration fee for a special truck shall be one hundred twenty dollars for a gross weight of eight tons, and in addition, fifteen dollars for each ton over eight tons and not exceeding eighteen tons. The registration fee for a special truck with a gross weight registration exceeding eighteen tons but not exceeding nineteen tons shall be three hundred twenty-five dollars and

for a gross weight registration exceeding nineteen tons but not exceeding twenty tons the registration fee shall be three hundred seventy-five dollars. Any person convicted of using a truck registered as a special truck for any purpose other than permitted by section 321.1, subsection 72 71, shall, in addition to any other penalty imposed by law, be required to pay regular motor truck registration fees upon such truck.

Sec. 7. Section 324.3, unnumbered paragraph 1, Code 1981, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of ~~eight and one-half cents per gallon beginning July 1, 1978, and ten thirteen cents per gallon beginning July September 1, 1979~~ 1981 is hereby imposed upon the use of all motor fuel used for any purpose except motor fuel containing at least ten percent alcohol distilled from agricultural products for the period beginning July 1, 1978 and ending June 30, 1983 and except as otherwise provided in this division. The tax shall be paid in the first instance by the distributor upon the invoiced gallonage of all motor fuel received by the distributor in this state, within the meaning of the word "received" as defined in this division, less the deductions hereinafter authorized. Thereafter, except as otherwise provided, the per gallon amount of ~~such~~ the tax shall be added to the selling price of ~~each and every~~ gallon of such motor fuel sold in this state and collected from the purchaser ~~to the end so that the ultimate consumer shall bear~~ bears the burden of ~~such~~ the tax; provided, however, that ~~no~~ tax shall not be imposed or collected under this division with respect to the following:

Sec. 8. Section 324.3, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Motor fuel shall be sold tax paid to the state of Iowa, any of its agencies, or to any political subdivision of the state, including motor fuel sold for the transportation of pupils of approved public and nonpublic schools by a contract carrier who contracts with the public school under section 285.5 for the transportation of public and nonpublic school pupils under chapter 285. Tax on fuel which is used for public purposes ~~shall be is~~ subject to refund, including tax paid on motor fuel sold for the transportation of school pupils of approved public and nonpublic schools by a contract carrier who contracts with the public school under section 285.5 for the transportation of public and nonpublic school pupils under chapter 285. Claims for refunds will be filed with the department on a quarterly basis and ~~in no case will the director shall not~~ grant a refund of motor fuel or special fuel tax where a claim is not filed within one year from the date the tax was due. The claim shall contain the number of gallons purchased, the calculation of the amount of motor fuel and special fuel tax subject to refund and any other information required by the department necessary to process the refund.

Sec. 9. Section 324.3, unnumbered paragraph 3, Code 1981, is amended to read as follows:

For the privilege of operating motor vehicles in this state an excise tax of five cents per gallon for the period beginning May 1, 1981 and ending August 31, 1981 and an excise tax of six cents per gallon for the period beginning September 1, 1981 and ending June 30, 1983, is hereby imposed upon the use of gasohol used for any purpose except as otherwise provided in this division.

Sec. 10. Section 324.8, subsection 4, Code 1981, is amended to read as follows:

4. From the total number of invoiced gallons of motor fuel "received" by the distributor within the state during the next preceding calendar month shall be made the following deductions:

First, the gallonage of motor fuel received and thereafter sold within the exemptions provided for in section 324.3; and second, the number of gallons of motor fuel equal to ~~three two~~ ^{two} per centum of the first three hundred thousand gallons and one ~~and one quarter~~ ^{and one} quarter per centum of all gallonage in excess of three hundred thousand gallons of invoiced gallons of motor fuel received by the distributor within this state during the next preceding calendar month after deduction provided in this subsection, this percentage being a flat allowance to cover evaporation, shrinkage, and losses, and the distributor's expenses and losses in collection, accounting for, and paying over the motor fuel tax.

Sec. 11. Section 324.8, subsection 6, Code 1981, is amended to read as follows:

6. The sum of the number of invoiced gallons of gasohol which are received tax free by the distributor during the next preceding calendar month less the number of gallons of gasohol equal to two per centum of the first three hundred thousand gallons and one per centum of all gallonage in excess of three hundred thousand gallons of gasohol received or blended by the distributor within this state during the next preceding calendar month after deduction provided in this subsection, this percentage being a flat allowance to cover evaporation, shrinkage and losses in collection, accounting for, and paying over the tax on gasohol, and the number of gallons of gasohol blended by the distributor during the next preceding calendar month shall be multiplied by the per gallon motor fuel tax rate applicable to gasohol.

Sec. 12. Section 324.34, unnumbered paragraph 1, Code 1981, is amended to read as follows:

For the privilege of operating motor vehicles in this state, there is hereby levied and imposed an excise tax on the use (as defined herein) of special fuel in any motor vehicle. The rate of tax on special (diesel engine) fuel shall be ten cents per gallon beginning July 1, 1978, and shall be eleven and one-half cents per gallon beginning July 1, 1979 is thirteen and one-half cents per gallon beginning September 1, 1981 and fifteen and one-half cents per gallon beginning July 1, 1982. On all other special fuel the per gallon rate shall be is the same as the motor fuel tax. The tax, with respect to all special fuel delivered by a special fuel dealer for use in this state as defined by section 324.33, shall attach at the time of the delivery and shall be collected by the dealer from the special fuel user and shall be paid over to the department of revenue as hereinafter provided in this chapter. The tax, with respect to special fuel acquired by a special fuel user in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle or delivery into a motor vehicle special fuel holding tank by a special fuel dealer or distributor, shall attach at the time of the use (as herein defined) of the fuel and shall be paid over to the department of revenue by the user as hereinafter provided in this chapter.

Sec. 13. Section 324.35, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Tax on special fuel sold to the state of Iowa, any of its agencies, or any political subdivisions of the state where such fuel is used for public purposes shall be is subject to refund, including tax paid on special fuel sold for the transportation of school pupils of approved public and nonpublic schools by a contract carrier who contracts with the public school under section 285.5 for the transportation of public and nonpublic school pupils under chapter 285. Claims shall be filed in accordance with the claims for motor fuel tax refunds provided by section 324.3.

Sec. 14. Section 324.54, unnumbered paragraphs 2 and 3, Code 1981, are amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, except as provided in this section, the holder of a permanent permit may make application to the state department of transportation for a refund, not later than the last day of the third month following the quarter in which the overpayment of Iowa fuel tax paid on excess purchases of motor fuel or special fuel was reported as provided in section 324.8, and which application is supported by such proof as the state department of transportation may require. The state department of transportation shall refund Iowa fuel tax paid on motor fuel or special fuel purchased in excess of the amount consumed by such commercial motor vehicles in their operation on the highways of this state.

Application for a refund of fuel tax under ~~the provisions~~ of this division must be made for each quarter in which the excess payment was reported, and will not be allowed unless the amount of fuel tax paid on the fuel purchased in this state, in excess of that consumed for highway operation in this state in the quarter applied for, is in an amount exceeding ten dollars. An application for a refund of excess Iowa fuel tax paid under ~~the provisions~~ of this division which is filed for any period or in any manner other than herein set out shall not be allowed.

Sec. 15. Chapter 324, Code 1981, is amended by adding the following new section:

NEW SECTION. GASOHOL BLENDING ERRORS. Where blending errors have occurred and an insufficient amount of alcohol distilled from agricultural products has been blended with motor fuel so that the mixture fails to qualify as gasohol, the department shall determine the tax liability as follows:

1. If the amount of the alcohol blended with motor fuel is short by five gallons or less, the alcohol and motor fuel blended shall be considered gasohol and there shall be no penalty or assessment of additional taxes.

2. If the amount of the alcohol blended with motor fuel is short by more than five gallons but the alcohol blended with the motor fuel is short by one and one one-hundredths percent or less of the amount of alcohol and motor fuel blended, the motor fuel shall be divided for tax purposes into gasohol and motor fuel containing no alcohol as follows:

a. That portion which is alcohol distilled from agricultural products shall be added to motor fuel on the basis of one part alcohol to nine parts motor fuel to determine the portion which is considered gasohol gallonage which is exempt from the excise tax for the period July 1, 1978 to April 30, 1981 and is subject to an excise tax of five cents per gallon for the period May 1, 1981 to August 31, 1981 and subject to an excise tax of six cents per gallon for the period beginning September 1, 1981 to June 30, 1983.

b. That portion of motor fuel remaining shall be considered motor fuel which is subject to an excise tax at the effective rate per gallon at the time of blending.

c. In addition to the tax imposed under paragraphs a and b of this section, there is imposed a fine of twenty dollars to be credited to the road use tax fund.

3. If the amount of the alcohol blended with motor fuel is short by more than one and one one-hundredths percent of the total, the motor fuel blended with the alcohol is subject to the tax imposed on motor fuel under section 324.3.

This section is repealed June 30, 1983.

Sec. 16. **NEW SECTION.** The exclusive method of determining gallonage of any purchases or sales of motor fuel and special fuel as defined in chapter 324 and distillate fuels shall be on a gross volume basis. A temperature-adjusted or other method shall not be used, except as it applies to liquefied petroleum gas and the sale or exchange of petroleum products between petroleum refiners. All invoices, bills of lading, or other records of sale or purchase and all reports or records required to be made, kept, and maintained by a distributor or dealer shall be made, kept, and maintained on the gross volume basis. For purposes of this section, "distillate fuels" means any fuel oil, gas oil, topped crude oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils which have a boiling range at atmospheric pressure which falls completely or in part between five hundred fifty and twelve hundred degrees Fahrenheit.

Sec. 17. The legislative council shall employ a consulting firm or person with a background and expertise in transportation to conduct an independent study of the state department of transportation to determine staff requirements, administrative structure, and general efficiency of the department within the funding available. The study shall also review highway design standards used by the department and bid procedures used by the department in letting road construction and maintenance contracts and estimate any cost savings that could be achieved both in construction and maintenance by altering such standards. The study shall also review highway design standards used by the department and bid procedures used by the department in letting road construction and maintenance contracts. The study shall include a study of the feasibility of contracting with road contractors for highway maintenance services and the feasibility of setting aside ten percent of road contracts for small contractors and contractors just beginning business. The consultant shall also recommend which parcels of right of way owned by the department should be sold. However, a consulting firm or person who has worked for the state department of transportation within the last five years shall not be eligible for employment to conduct the study required under this section.

The report of the study shall be submitted to the Sixty-ninth General Assembly, 1982 Session, not later than January 11, 1982.

Sec. 18. It is the intent of the general assembly that not later than January 1, 1985, the state department of transportation shall dispose of all right of way owned by the department and not needed for projects.

Sec. 19. Section 15 of this Act is retroactive to July 1, 1978 and applies to motor fuel and alcohol distilled from agricultural products blended on or after that date.

Sec. 20. This Act takes effect on September 1, 1981 after its publication in the Muscatine Journal, a newspaper published in Muscatine, Iowa, and in The Waterloo Courier, a newspaper published in Waterloo, Iowa."

2. Amend the title, lines 7 and 8, by striking the words "and providing for a study of the state department of transportation" and inserting in lieu thereof the words "by extending the hold harmless period to June 30, 1985 in allocating highway funds, by increasing the weights and fees for special trucks, by providing for the measurement of gallonages of motor fuels, special fuels and distillate fuels, by providing for reduced allowances granted to distributors on motor fuel, providing for allowances to distributors on gasohol, by providing for the computation of motor fuel taxes in situations where blending errors have occurred on gasohol, by providing for certain training for highway inspectors, by providing for a study of the state department of transportation, and making certain provisions retroactive to July 1, 1978."

ON THE PART OF THE HOUSE:

WILLIAM H. HARBOR
LAVERNE W. SCHROEDER
DIANE BRANDT

ON THE PART OF THE SENATE:

ROLF V. CRAFT, Chair
RICHARD F. DRAKE
GEORGE R. KINLEY
RAY TAYLOR
BASS VAN GILST

Roll call was requested by Byerly of Polk and Woods of Polk.

Rule 80 was invoked.

On the question "Shall the conference committee report be adopted?"

The ayes were, 53:

Anderson, J.	Anderson, R.	Bennett	Branstad
Bruner	Carpenter	Clark, B. J.	Clark, J. H.
Conlon	Connolly	Corey	Crabb
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Hummel	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Maulsby	Menke	Mullins	Pellett
Petrick	Poffenberger	Pope	Rapp
Ritsema	Schneklath	Schroeder	Shimanek
Shull	Smith	Stueland	Sullivan
Swearingen	Tofte	Trucano	Welden
Mr. Speaker			

The nays were, 42:

Arnould	Avenson	Binneboese	Byerly
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Carl	Chiodo	Cochran	Connors
Cook	Danker	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Jay	Johnson, J.	Johnson, R.
Lind	Lonerger	Mann	McKean
Miller	Norland	O'Kane	Oxley
Pavich	Poncy	Renaud	Renken
Running	Smalley	Spear	Sturgeon
Swartz	Tyrrell	Van Maanen	Walter
Welsh	Woods		

Absent or not voting, 5:

Brandt	Clements	Cusack	Egenes
Pelton			

The motion prevailed and the report was adopted.

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

On the question "Shall the bill pass?" (S.F. 561)

The ayes were, 53:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Bruner	Carpenter	Clark, B. J.
Conlon	Connolly	Corey	Crabb
Crawford	Daggett	Davitt	De Groot
Dieleman	Diemer	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Hummel	Jochum	Johnson, W.
Kirkenslager	Krewson	Lageschulte	Lloyd-Jones
Maulsby	Menke	Miller	Mullins
Pellett	Patrick	Poffenberger	Pope
Rapp	Ritsema	Schneklath	Schroeder
Shimanek	Shull	Smith	Stueland
Swearingen	Tofte	Trucano	Welden
Mr. Speaker			

The nays were, 43:

Arnould	Avenson	Binneboese	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Connors	Cook	Danker	Doderer
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Horn	Jay	Johnson, J.
Johnson, R.	Lind	Lonerger	Mann
McKean	Norland	O'Kane	Oxley
Pavich	Poncy	Renaud	Renken

Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Tyrrell	Van Maanen
Walter	Welsh	Woods	

Absent or not voting, 4:

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

SENATE AMENDMENT FURTHER CONSIDERED

The House resumed consideration of **House File 874**, 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 Senate amendment H-4501.

On motion by Harbor of Mills, the House concurred in the Senate amendment H-4501.

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

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

The ayes were, 59:

Anderson, J.	Anderson, R.	Arnould	Bennett
Brandt	Branstad	Bruner	Carl
Carpenter	Chjodo	Clark, B. J.	Clark, J. H.
Conlon	Connolly	Cook	Corey
Crabb	Crawford	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Groth	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann	Holt
Howell	Hummel	Jay	Jochum
Johnson, R.	Kirkenslager	Krewson	Lageschulte
Lloyd-Jones	Maulsby	McKean	Menke

Mullins	Norland	Pellett	Petrick
Poffenberger	Pope	Rapp	Ritsema
Schroeder	Shimanek	Shull	Trucano
Tyrrell	Van Maanen	Mr. Speaker	

The nays were, 38:

Avenson	Binneboese	Byerly	Cochran
Connors	Gettings	Gross	Hall
Halvorson, R. N.	Horn	Johnson, J.	Johnson, W.
Lind	Lonergan	Mann	Miller
OKane	Oxley	Pavich	Pelton
Poncy	Renaud	Renken	Running
Schnekloth	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Walter	Welden
Welsh	Woods		

Absent or not voting, 3:

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

ADOPTION OF HOUSE RESOLUTION 24

Avenson of Fayette asked and received unanimous consent for the immediate consideration of House Resolution 24 as follows, and moved its adoption:

HOUSE RESOLUTION 24
By Avenson and Pope

- 1 *Whereas*, Hugh Clark served for thirteen years as the
- 2 president of the Iowa Federation of Labor, and
- 3 *Whereas*, Hugh Clark served as a member of the
- 4 Plumbers and Steamfitters Local 66 of Dubuque for 38
- 5 years, during which time he was the business manager of
- 6 Local 66, secretary of the Iowa Pipe Trades Association,
- 7 president of the Dubuque Federation of Labor, secretary
- 8 of the Dubuque Building Trades, secretary-treasurer of
- 9 the Iowa Building Trades and vice-president of the Iowa
- 10 Federation of Labor Executive Council, and
- 11 *Whereas*, Hugh Clark has been active in Iowa politics
- 12 and served as a delegate to the Democratic National
- 13 Convention in 1968, and
- 14 *Whereas*, Hugh Clark's service to the state includes
- 15 tenure as a member of the Iowa Development Commission,
- 16 and

17 *Whereas*, Hugh Clark was responsible for getting and
18 keeping progressive unemployment insurance and workers'
19 compensation laws in Iowa, and

20 *Whereas*, Hugh Clark secured passage of Iowa's public
21 employee collective bargaining law, and

22 *Whereas*, Hugh Clark led the fight in Iowa for the
23 establishment and enforcement of the one person-one vote
24 principle of representation, and

25 *Whereas*, Hugh Clark, though retired since 1979,
26 remains an important influence in promoting fair and
27 safe working conditions for all Iowans; *Now Therefore*,

28 *Be It Resolved by the House of Representatives*, That
29 Hugh D. Clark be recognized and commended for his many
30 contributions to the people of Iowa.

The motion prevailed and the resolution was adopted.

HOUSE FILE 284 WITHDRAWN

Howell of Floyd asked and received unanimous consent to withdraw House File 284 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on August 14, 1981, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 44, providing for the final adjournment of the Extraordinary Session on August 14, 1981.

LINDA HOWARTH MACKAY, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday, August 14, 1981. Had I been present, I would have voted "aye" on Senate File 582.

WELSH of Dubuque

I was necessarily absent from the House chamber on Friday, August 14, 1981. Had I been present, I would have voted "aye" on Senate File 582 and "nay" on Senate File 561.

PELTON of Clinton

APPOINTMENTS

Speaker Stromer announced the following appointments:

CONFIDENTIAL RECORDS COUNCIL
(Section 692.19)

Representative Doug Ritsema Pleasure of the Speaker
Representative Bob Arnould Pleasure of the Speaker

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows:

1981-64 St. Albert High School

ELIZABETH A. ISAACSON
Acting Chief Clerk of the House

FINAL REMARKS BY SPEAKER

Speaker Stromer offered the following remarks:

As we close the second Special Session and hopefully, the last session we will need in 1981, it would be proper if we reviewed some of the activities we have accomplished in the past seven months.

Looking back at our accomplishments in 1981, and they may be viewed differently by some members of this body, we have completed legislation on: utility rate regulation, county home rule culmination, grain warehouse bill, solar access, inheritance tax reform, permanent indexing of the Iowa state income tax, a badly needed hazardous waste bill, mechanic's lien legislation and we also increased school funding to education by \$40,000,000.

In this second Special Session, we finalized reapportionment, railroads, road funding and extended the time for filing of the elderly property tax.

We did not solve every problem and there will be a limited amount of interim work next year with thirteen study committees looking at some of the issues including school finance, water problems, our state retirement system, civil service and elderly health care.

We are also going to be monitoring on a daily basis the effects of the federal budget and block grants on Iowa.

I want to thank each and every one of you for your cooperation, your hard work and your dedication.

As the gentleman from Hancock, I wish to thank you for the opportunity to serve as your Speaker this session. It has been challenging, but an equally rewarding job. I'm looking forward to your continued help next session.

All of us wish a great deal of success to those of you who will not be with us for the second Regular Session of the Sixty-ninth General Assembly.

And finally, last but not least, I'd like to report to you that corn was down three cents and beans were up five cents today.

Have a great fall! We'll look forward to seeing all of you in January, 1982.

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 14th day of August, 1981: House File 874.

ELIZABETH A. ISAACSON
Acting Chief Clerk of the House

Report adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 44

Pope of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 44 as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 44 By Rules and Administration

- 1 *Be It Resolved by the Senate, the House Concurring,*
- 2 That when adjournment is had on Friday, August 14, 1981
- 3 it be the final adjournment of the second 1981 Extra-
- 4 ordinary Session of the Sixty-ninth General Assembly
- 5 which convened August 12, 1981.

The motion prevailed and the resolution was adopted.

MESSAGE TO THE SENATE AND THE 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 44.

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 is prepared to adjourn sine die pursuant to Senate Concurrent Resolution 44.

LINDA HOWARTH MACKAY, Secretary

FINAL DISPOSITION OF MOTION TO RECONSIDER

By virtue of final adjournment, the motion to reconsider **Senate File 581**, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election, filed by Tyrrell of Iowa on August 13, 1981, is no longer valid.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 44, duly adopted, the day of August 14, 1981 having arrived, the Speaker of the House, Delwyn Stromer, declared the 1981 Second Extraordinary Session of the House of Representatives of the Sixty-ninth General Assembly adjourned sine die at 3:26 p.m.

AMENDMENTS FILED

Amendments filed during the Sixty-ninth General Assembly
1981 Extraordinary Session, August 12, 1981 through August 14,
1981, not otherwise printed in the House Journal.

H-4476

1 Amend Senate File 561, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 34 the following
4 new section:

5 "Sec. . Section 324.8, subsection 4, Code
6 1981, is amended to read as follows:

7 4. From the total number of invoiced gallons of
8 motor fuel "received" by the distributor within the
9 state during the next preceding calendar month shall
10 be made the following deductions:

11 First, the gallonage of motor fuel received and
12 thereafter sold within the exemptions provided for
13 in section 324.3; and second, the number of gallons
14 of motor fuel equal to ~~three~~ two per centum of the
15 first three hundred thousand gallons and one ~~and one~~
16 ~~quarter~~ per centum of all gallonage in excess of three
17 hundred thousand gallons of invoiced gallons of motor
18 fuel received by the distributor within this state
19 during the next preceding calendar month after
20 deduction provided in this subsection, this percentage
21 being a flat allowance to cover evaporation, shrinkage,
22 and losses, and the distributor's expenses and losses
23 in collection, accounting for, and paying over the
24 motor fuel tax."

25 2. Page 4, by inserting after line 26 the following
26 new sections:

27 "Sec. 9. Chapter 324, Code 1981, is amended by
28 adding the following new section:

29 NEW SECTION. GASOHOL BLENDING ERRORS. Where
30 blending errors have occurred and an insufficient
31 amount of alcohol distilled from agricultural products
32 has been blended with motor fuel so that the mixture
33 fails to qualify as gasohol, the department shall
34 determine the tax liability as follows:

35 1. If the amount of the alcohol blended with motor
36 fuel is short by five gallons or less, the alcohol
37 and motor fuel blended shall be considered gasohol
38 and there shall be no penalty or assessment of
39 additional taxes.

40 2. If the amount of the alcohol blended with motor
41 fuel is short by more than five gallons but the alcohol
42 blended with the motor fuel is short by one and one

43 one-hundredths percent or less of the amount of alcohol
44 and motor fuel blended, the motor fuel shall be divided
45 for tax purposes into gasohol and motor fuel con-
46 taining no alcohol as follows:

47 a. That portion which is alcohol distilled from
48 agricultural products shall be added to motor fuel
49 on the basis of one part alcohol to nine parts motor
50 fuel to determine the portion which is considered

Page 2

1 gasohol gallonage which is exempt from the excise
2 tax for the period July 1, 1978 to April 30, 1981
3 and is subject to an excise tax of five cents per
4 gallon for the period May 1, 1981 to June 30, 1983.

5 b. That portion of motor fuel remaining shall
6 be considered motor fuel which is subject to an excise
7 tax of ten cents per gallon.

8 c. In addition to the tax imposed under paragraphs
9 a and b of this section, there is imposed a fine of
10 twenty dollars to be credited to the road use tax
11 fund.

12 3. If the amount of the alcohol blended with motor
13 fuel is short by more than one and one one-hundredths
14 percent of the total, the motor fuel blended with
15 the alcohol is subject to the tax imposed on motor
16 fuel under section 324.3.

17 This section is repealed June 30, 1983.

18 Sec. 10. NEW SECTION. The exclusive method of
19 determining gallonage of any purchases or sales of
20 motor fuel and special fuel as defined in chapter
21 324 and distillate fuels shall be on a gross volume
22 basis. A temperature-adjusted or other method shall
23 not be used, except as it applies to liquefied
24 petroleum gas and the sale or exchange of petroleum
25 products between petroleum refiners. All invoices,
26 bills of lading, or other records of sale or purchase
27 and all reports or records required to be made, kept,
28 and maintained by a distributor or dealer shall be
29 made, kept, and maintained on the gross volume basis.
30 For purposes of this section, "distillate fuels" means
31 any fuel oil, gas oil, topped crude oil, or other
32 petroleum oils derived by refining or processing crude
33 oil or unfinished oils which have a boiling range
34 at atmospheric pressure which falls completely or
35 in part between five hundred fifty and twelve hundred
36 degrees Fahrenheit."

37 3. Page 5, by inserting after line 12 the following
38 new section:

39 "Sec. . Section 9 of this Act is retroactive
40 to July 1, 1978 and applies to motor fuel and alcohol

41 distilled from agricultural products blended on or
 42 after that date.”
 43 4. Amend the title, lines 7 and 8, by striking
 44 the words “and providing for a study of the state
 45 department of transportation” and inserting in lieu
 46 thereof the words “by providing for the measurement
 47 of gallonages of motor fuels, special fuels and
 48 distillate fuels, providing for reduced allowances
 49 granted to distributors on motor fuel, providing for
 50 the computation of motor fuel taxes in situations

Page 3

1 where blending errors have occurred on gasohol,
 2 providing for a study of the state department of
 3 transportation, and making certain provisions
 4 retroactive to July 1, 1978.”
 5 5. Renumber sections and correct internal
 6 references as are necessary in accordance with this
 7 amendment.

CARPENTER of Polk
 HARBOR of Mills
 SCHNEKLOTH of Scott
 LAGESCHULTE of Bremer

H-4479

1 Amend House Concurrent Resolution 46 as follows:
 2 1. Page 1, line 10, by inserting after the word
 3 “financing” the words “and chapter 551A of the Code”.

JOHNSON of Howard

H-4491

1 Amend Senate File 561 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 9 the following
 4 new section:
 5 “Sec. . Section 321.207, Code 1981, is amended
 6 to read as follows:
 7 321.207 RECORD FORWARDED. Every court having
 8 jurisdiction over offenses committed under this
 9 chapter, or any other law of this state or any city
 10 traffic ordinances, other than parking regulations,
 11 regulating the operation of motor vehicles on highways,
 12 shall forward to the department a record of the
 13 conviction of any person in said that court for a
 14 violation of any said those laws, and may recommend
 15 the suspension of the operator's or chauffeur's license

16 of the person so convicted, and the department shall
 17 ~~thereupon~~ consider and act upon ~~such~~ the recommendation
 18 in such manner as may seem to it best. However, a
 19 record of conviction for a scheduled excessive speed
 20 violation of ten miles per hour or less over the
 21 posted speed limit shall not be forwarded to the
 22 department nor result in a license suspension or
 23 revocation.

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

LIND of Black Hawk

H-4493

1 Amend Senate File 581 as amended and passed by
 2 the Senate as follows:

3 1. Page 34, line 15, by striking the word
 4 "intersect" and inserting in lieu thereof the word
 5 "intersects".

6 2. Page 34, line 35, by striking the word
 7 "northwest" and inserting in lieu thereof the word
 8 "northeast".

CRAWFORD of Story

**1981 EXTRAORDINARY SESSION
AUGUST 12 THROUGH AUGUST 14
SUPPLEMENT TO THE HOUSE JOURNAL**

BILLS APPROVED, SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on bills passed by the 1981 Extraordinary Session, August 12 through August 14, of the Sixty-ninth General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 874— 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. Approved August 22, 1981.
- S.F. 561— Relating to highway funding. Approved August 21, 1981.
- S.F. 581— Providing for congressional and legislative redistricting effective for the 1982 general election. Approved August 20, 1981.
- S.F. 582— Relating to the extension of the deadline for the filing of claims for additional property tax relief for the elderly and disabled under Chapter 425. Approved August 21, 1981.

COMMUNICATIONS FROM SECRETARY OF STATE

August 31, 1981

Mrs. Elizabeth A. Isaacson
Acting Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that Senate File 582 was published in the Marshalltown Times-Republican, Marshalltown, Iowa on August 26, 1981 and in the Grinnell Herald-Register, Grinnell, Iowa on August 27, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

September 2, 1981

Mrs. Elizabeth A. Isaacson
Acting Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that Senate File 561 was published in The Waterloo Courier, Waterloo, Iowa on August 27, 1981 and in the Muscatine Journal, Muscatine, Iowa on September 2, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

September 9, 1981

Mrs. Elizabeth A. Isaacson
Acting Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that Senate File 581 was published in the Council Bluffs Non-pareil, Council Bluffs, Iowa on September 1, 1981 and in The Boone News-Republican, Boone, Iowa on September 8, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

September 21, 1981

Mrs. Elizabeth A. Isaacson
Acting Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that House File 874 was published in the Muscatine Journal, Muscatine, Iowa on September 15, 1981 and in The Red Oak Express, Red Oak, Iowa on August 28, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

**1981 EXTRAORDINARY SESSION
AUGUST 12 THROUGH AUGUST 14
GENERAL INDEX**

ACTING CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson

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AMENDMENTS FILED—

(Also see Bills and/or individual listings)

35

Senate Amendments—62

ANDERSON, JAMES O.—Representative Audubon-Carroll-Cass-Crawford-Greene-Guthrie-Shelby Counties

Amendments filed—16-17

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COCHRAN, DALE M.—Representative Humboldt-Webster Counties, Assistant
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