

State of Iowa

1982

JOURNAL OF THE HOUSE

1982

REGULAR SESSION SIXTY-NINTH GENERAL ASSEMBLY

Convened January 11, 1982

Adjourned April 24, 1982

**ROBERT D. RAY, Governor
TERRY E. BRANSTAD, President of the Senate
DELWYN STROMER, Speaker of the House**

Published by the
STATE OF IOWA
Des Moines

SIXTY-NINTH GENERAL ASSEMBLY

1982 Regular Session

OFFICERS OF THE HOUSE

DELWYN STROMER, <i>Speaker of the House</i>	Garner
LESTER D. MENKE, <i>Speaker Pro Tempore</i>	Calumet
LAWRENCE POPE, <i>Majority Floor Leader</i>	Des Moines
WAYNE BENNETT, <i>Assistant Majority Floor Leader</i>	Galva
ROGER A. HALVORSON, <i>Assistant Majority Floor Leader</i>	Monona
INGWER L. HANSEN, <i>Assistant Majority Floor Leader</i>	Hartley
BETTY A. HOFFMANN-BRIGHT, <i>Assistant Majority Floor Leader</i>	Muscatine
DONALD D. AVENSON, <i>Minority Floor Leader</i>	Oelwein
ROBERT T. ANDERSON,	
<i>Assistant Minority Floor Leader</i>	Newton
RICHARD L. BYERLY, <i>Assistant Minority Floor Leader</i>	Ankeny
DALE M. COCHRAN, <i>Assistant Minority Floor Leader</i>	Eagle Grove
JOHN H. CONNORS, <i>Assistant Minority Floor Leader</i>	Des Moines
ELIZABETH A. ISAACSON, <i>Chief Clerk</i>	Des Moines
BRUCE GRAHAM, <i>Assistant Chief Clerk and Legal Counsel</i>	Indianola
VIVIAN ANDERS, <i>Journal Editor</i>	Liberty Center
CAROL S. EDWARDS, <i>Assistant Journal Editor</i>	Des Moines
DIANE L. DOWNING, <i>Compositor</i>	Ankeny
C. ELAINE SCHOONOVER, <i>Compositor</i>	Des Moines
DOROTHY POTTHOFF, <i>Executive Secretary</i>	
<i>to Chief Clerk</i>	Des Moines
BILLIE J. WALLING, <i>Finance Clerk</i>	Des Moines
DEBRA K. OLSON, <i>Assistant Finance Clerk</i>	Ellsworth

ALYCE M. ELMITT, <i>Recording Clerk</i>	Des Moines
CHRISTINE K. BISHOP, <i>Assistant Legal Counsel</i>	Des Moines
M. MAXINE MANN, <i>Assistant to Assistant</i> <i>Chief Clerk/Legal Counsel</i>	Des Moines
PEG E. KEPHART, <i>Assistant to Legal Counsel</i> <i>and Engrossing/Enrolling Clerk</i>	Des Moines
COLLEEN DILLON, <i>Supervisor of Clerks</i>	Des Moines
SUSAN BRUCKSHAW, <i>Clerk to Chief Clerk</i>	Des Moines
ANN A. McCARTY, <i>Supply Clerk</i>	Des Moines
JUANITA F. SWACKHAMMER, <i>Chief Indexer</i>	Des Moines
WILMA F. ZIKA, <i>Indexing Assistant</i>	Des Moines
DAVID T. WERNING, <i>Public Information</i> <i>Office Acting Director</i>	Lakewood
RITA K. COURTNEY, <i>Administrative Assistant</i> <i>to Speaker</i>	Des Moines
JANET S. CLAYTON, <i>Executive Secretary</i> <i>to Speaker</i>	Des Moines
SHARON R. PILMER, <i>Administrative Assistant</i> <i>to Majority Floor Leader</i>	Des Moines
PAULA J. FELTNER, <i>Majority Caucus Director</i>	Des Moines
MARYJO F. WELCH, <i>Research Analyst</i>	Des Moines
CATHY AUWAERTER, <i>Clerk to Majority Caucus</i>	Des Moines
N. JOHN BOEHM, <i>Research Analyst</i>	Des Moines
RONDA L. MENKE, <i>Research Analyst</i>	Perry
KEVIN VINCHATTLE, <i>Research Analyst</i>	Des Moines

BENJAMIN S. WEBB, <i>Research Analyst</i>	Des Moines
BARBARA WINTERS, <i>Research Analyst</i>	Des Moines
MARK BRANDSGARD, <i>Administrative Assistant</i> to <i>Minority Floor Leader</i>	Humboldt
JOSEPH J. O'HERN, <i>Minority Caucus Director</i>	Des Moines
DEANNA TEMPLETON, <i>Clerk to Minority Caucus</i>	Des Moines
LINDA J. KING-KADING, <i>Research Analyst</i>	Des Moines
MARY O'CONNOR, <i>Research Analyst</i>	Des Moines
TOM PATTERSON, <i>Research Analyst</i>	Des Moines
SHARON ROBINSON, <i>Research Analyst</i>	Des Moines
BEVERLY BAKER, <i>Switchboard Operator</i>	Des Moines
ROSEMARY MASSMAN, <i>Switchboard Operator</i>	Des Moines
PHYLLIS J. FRAIZER, <i>Bill Clerk</i>	Des Moines
MADELINE E. JAMES, <i>Assistant Bill Clerk</i>	Des Moines
GEORGE PENDERGRAFT, <i>Postmaster</i>	Des Moines
DONALD R. EMANUEL, <i>Sergeant-at-Arms</i>	Des Moines
FRANK L. CHRISTEN, <i>Assistant Sergeant-at-Arms</i>	Des Moines
GUSTAF W. ADAMSON, <i>Doorkeeper</i>	Des Moines
LUMAN W. BELL, <i>Doorkeeper</i>	Des Moines
ARTHUR E. BORWICK, <i>Doorkeeper</i>	Des Moines
CARMAN BREEDING, <i>Doorkeeper</i>	Altoona
GEORGE FALK, <i>Doorkeeper</i>	Des Moines
HAROLD L. MISSMAN, <i>Doorkeeper</i>	Des Moines
EVELYN SEANEY, <i>Elevator Operator</i>	Des Moines

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

v

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

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

IOWA COURT OF APPEALS JUDGES

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

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Anderson, James O.	Brayton	53	Farmer	56th— <i>Audubon</i> , Carroll, Cass, Crawford, Greene, Guthrie, Shelby	68, 69(1st), 69X, 69XX
Anderson, Robert T.	Newton	36	Teacher	69th— <i>Jasper</i> , Marion, Polk, Warren	66, 67, 67X, 68, 69(1st), 69X, 69XX
Arnould, Robert C.	Davenport	28	Legislator	82nd— <i>Scott</i>	67(2nd), 67X, 68, 69(1st), 69X, 69XX
Avenson, Donald D.	Oelwein	37	Tool & Die Maker	15th— <i>Bremer</i> , Chickasaw, <i>Fayette</i> , Howard, Winneshiek	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Baxter, Elaine **	Burlington	48	Legislator	84th— <i>Des Moines</i>	None
Bennett, Wayne	Galva	54	Farmer	48th— <i>Buena Vista</i> , Carroll, Cherokee, Crawford, <i>Ida</i> , Sac	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Binneboese, Donald H.	Hinton	57	Farmer	49th— <i>Cherokee</i> , <i>Plymouth</i> , Woodbury	66(2nd)*, 67, 67X, 68, 69(1st), 69X, 69XX
Brandt, Diane	Cedar Falls	43	Legislator	35th— <i>Black Hawk</i>	66, 67, 67X, 68, 69(1st), 69X, 69XX
Branstad, Clifford O.	Thompson	57	Farmer	8th— <i>Emmet</i> , Hancock, Kossuth, <i>Winnebago</i>	68, 69(1st), 69X, 69XX
Bruner, Charles H.	Ames	33	Teacher	41st— <i>Story</i>	68, 69(1st), 69X, 69XX
Byerly, Richard L.	Ankeny	43	Community College Administrator	61st— <i>Polk</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Carl, Janet	Grinnell	33	Educator	71st— <i>Benton</i> , Iowa, <i>Poweshiek</i> , Tama	69(1st), 69X, 69XX

* Elected in Special Election February 24, 1976

** Elected in Special Election January 26, 1982 due to resignation of Larry Kirkenslager January 4, 1982

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

REPRESENTATIVES

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Carpenter, Dorothy F.	West Des Moines	48	Housewife-Volunteer	66th— <i>Polk</i>	69(1st), 69X, 69XX
Chiodo, Ned F.	Des Moines	39	Small Businessman	67th— <i>Polk</i>	67, 67X, 68, 69(1st), 69X, 69XX
Clark, Betty Jean	Rockwell	61	Homemaker	11th— <i>Cerro Gordo</i>	67, 67X, 68, 69(1st), 69X, 69XX
Clark, John H.	Keokuk	35	Stockbroker	86th— <i>Henry, Lee</i>	64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Clements, James B.	Davenport	27	Carpenter	80th— <i>Scott</i>	69(1st), 69X, 69XX
Cochran, Dale M.	Eagle Grove	53	Farmer	45th— <i>Humboldt, Webster</i>	61, 62, 63, 64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Conlon, Walter	Muscatine	34	Lawyer	76th— <i>Muscatine, Scott</i>	67, 67X, 68, 69(1st), 69X, 69XX
Connolly, Michael W.	Dubuque	36	Realtor-Teacher	20th— <i>Dubuque</i>	68, 69(1st), 69X, 69XX
Connors, John H.	Des Moines	59	Insurance and Labor Arbitrator	64th— <i>Polk</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Cook, Lisle	Hubbard	45	Farmer	40th— <i>Grundy, Hardin, Jasper, Marshall, Story</i>	69(1st), 69X, 69XX
Copenhaver, Paul ††	Independence	40	Farmer	32nd— <i>Black Hawk, Buchanan</i>	None
Corey, Virgil E.	Morning Sun	65	Farmer	83rd— <i>Des Moines, Henry, Louisa</i>	68, 69(1st), 69X, 69XX
Crabb, Frank	Denison	78	Retired	53rd— <i>Crawford, Harrison, Monona</i>	63, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX

†† Elected in Special Election March 23, 1982 due to death of Kenneth Miller February 23, 1982

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

viii

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Daggett, Horace	Lenox	50	Farmer	96th—Adams, Montgomery, Page, Ringgold, Taylor	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Danker, Arlyn E.	Minden	54	Farmer	54th—Harrison, Pottawattamie, Shelby	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Davitt, Philip A.	St. Charles	50	Farmer	58th—Adair, Clarke, Dallas, Madison, Warren	67, 67X, 68, 69(1st), 69X, 69XX
De Groot, Kenneth R.	Doon	52	Farmer	1st—Lyon, Sioux	68, 69(1st), 69X, 69XX
Dieleman, William W. (Bill)	Pella	50	Life Insurance Underwriter	70th—Jasper, Mahaska, Marion, Poweshiek	66, 67, 67X, 68, 69(1st), 69X, 69XX
Diemer, Marvin E.	Cedar Falls	57	Accountant	36th—Black Hawk	68, 69(1st), 69X, 69XX
Doderer, Minnette	Iowa City	58	Self-Employed	74th—Johnson	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69(1st), 69X, 69XX
Egenes, Sonja	Story City	51	Legislator-Homemaker	43rd—Boone, Hamilton, Story, Webster	64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Fey, Thomas H. **	Davenport	27	Training Coordinator	81st—Scott	None
Gettings, Donald E.	Ottumwa	58	Machine Repairman	90th—Appanoose, Davis, Wapello	67(2nd)*, 67X, 68, 69(1st), 69X, 69XX

* Elected in Special Election May 17, 1977

** Elected in Special Election December 29, 1981 due to resignation of Gregory Cusack October 1, 1981

REPRESENTATIVES

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Gross, L. W. (Joe)	Mt. Ayr	56	Nursing Home Owner- Administrator	94th—Clarke, Decatur, Madison, <i>Ringgold</i> , Union, Wayne	69(1st), 69X, 69XX
Groth, Richard	Albert City	35	Educator	6th— <i>Buena Vista</i> , Cherokee, Clay, O'Brien, Palo Alto, Pocahontas	68, 69(1st), 69X, 69XX
Hall, Hurley W.	Marion	46	Engineer	29th— <i>Linn</i>	68, 69(1st), 69X, 69XX
Halvorson, Rodney	Fort Dodge	32	Real Estate Salesman	46th— <i>Webster</i>	68, 69(1st), 69X, 69XX
Halvorson, Roger A.	Monona	47	Insurance-Real Estate Sales	17th—Allamakee, <i>Clayton</i> , Winneshiek	68, 67, 67X, 68, 69(1st), 69X, 69XX
Hansen, Ingwer L.	Hartley	69	Retired	3rd—Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Hanson, Darrell R.	Manchester	27	Legislator	18th—Clayton, <i>Delaware</i> , Dubuque, Fayette	68, 69(1st), 69X, 69XX
Harbor, William H.	Henderson	61	Grain Elevator Owner-Operator	97th—Fremont, <i>Mills</i> , Montgomery, Page	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69(1st), 69X, 69XX
Hoffmann-Bright, Betty A.	Muscatine	60	Former Businesswoman	75th—Johnson, Louisa, <i>Muscatine</i>	67, 67X, 68, 69(1st), 69X, 69XX
Holt, Leander (Lee)	Spencer	72	Automobile Dealer	4th—Clay, Dickinson, Emmet, Palo Alto	68, 69(1st), 69X, 69XX
Horn, Wally E.	Cedar Rapids	48	Teacher	28th— <i>Linn</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Howell, Rollin K.	Marble Rock	52	Farmer	13th—Cerro Gordo, <i>Floyd</i> , Mitchell	65*, 66, 67, 67X, 68, 69(1st), 69X, 69XX

* Elected in Special Election March 27, 1973

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Hummel, Kyle	Vinton	46	Contractor-Realtor	31st—Benton, Black Hawk, Buchanan, Linn, Tama	68, 69(1st), 69X, 69XX
Jay, Daniel	Centerville	27	Lawyer	93rd—Appanoose, Clarke, Lucas, Monroe, Wayne	68, 69(1st), 69X, 69XX
Jochum, Thomas J.	Dubuque	30	Laborer	19th—Dubuque	66, 67, 67X, 68, 69(1st), 69X, 69XX
Johnson, James	Elma	42	Businessman	14th—Chickasaw, Floyd, Howard, Mitchell	68, 69(1st), 69X, 69XX
Johnson, Robert M. L.	Cedar Rapids	60	Marketing Manager	26th—Linn	68, 69(1st), 69X, 69XX
Johnson, Warren	Sloan	59	Farmer	52nd—Monona, Woodbury	68, 69(1st), 69X, 69XX
Kirkenslager, Larry K. *	Burlington	37	Electrician-Salesman	84th—Des Moines	68, 69(1st), 69X, 69XX
Knapp, Don **	Cascade	49	Corrections	22nd—Delaware, Dubuque, Jackson, Jones	None
Krewson, Lyle R.	Urbandale	38	Self-Employed	59th—Polk	67, 67X, 68, 69(1st), 69X, 69XX
Lageschulte, Raymond	Waverly	59	Farmer-Insurance Adjuster	37th—Black Hawk, Bremer, Butler, Floyd	66, 67, 67X, 68, 69(1st), 69X, 69XX
Lind, Thomas A.	Waterloo	63	Sales	33rd—Black Hawk	67(2nd), 68, 69(1st), 69X, 69XX
Lloyd-Jones, Jean	Iowa City	52	Legislator	73rd—Johnson	68, 69(1st), 69X, 69XX
Loneragan, Joyce	Boone	47	Legislator	44th—Boone, Greene	66, 67, 67X, 68, 69(1st), 69X, 69XX
Mann, Karen	Scranton	33	Executive Secretary	55th—Audubon, Carroll, Crawford, Greene, Guthrie	69(1st), 69X, 69XX

* Resigned January 4, 1982

** Elected in Special Election November 3, 1981 due to resignation of Nancy Shimanek September 10, 1981

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Maulsby, Ruhl	Rockwell City	58	Farmer	47th— <i>Calhoun, Carroll, Greene, Pocahontas, Sac</i>	68, 69(1st), 69X, 69XX
McKean, Andrew (Andy)	Morley	32	College Instructor-Lawyer- Square Dance Caller	23rd— <i>Cedar, Clinton, Jackson, Jones</i>	68, 69(1st), 69X, 69XX
Menke, Lester D.	Calumet	63	Farmer-Insurance	5th— <i>Buena Vista, Cherokee, Clay, O'Brien, Plymouth</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Miller, Kenneth D. †	Independence	56	Owner Mobile Home Court	32nd— <i>Black Hawk, Buchanan</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Mullins, Sue	Corwith	45	Farmer	7th— <i>Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas</i>	68, 69(1st), 69X, 69XX
Norland, Lowell E.	Kensett	50	Farmer	12th— <i>Cerro Gordo, Worth</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
O'Kane, James D.	Sioux City	30	Legislator	50th— <i>Woodbury</i>	68, 69(1st), 69X, 69XX
Oxley, Myron B. (Mike)	Marion	59	Farmer	30th— <i>Linn</i>	61, 67, 67X, 68, 69(1st), 69X, 69XX
Pavich, Emil S.	Council Bluffs	50	Cereal Company Employee	99th— <i>Pottawattamie</i>	66, 67, 67X, 68, 69(1st), 69X, 69XX
Pellett, Wendell C.	Atlantic	64	Farmer	95th— <i>Adair, Adams, Cass, Guthrie, Union</i>	64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Pelton, John	Clinton	35	Attorney-Community College Instructor	77th— <i>Clinton</i>	67, 67X, 68, 69(1st), 69X, 69XX
Patrick, George	Mount Vernon	64	Farmer-Implement Dealer	25th— <i>Johnson, Linn</i>	69(1st), 69X, 69XX

† Deceased February 23, 1982

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

xii

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Poffenberger, Virginia	Perry	47	Lawyer	57th—Adair, <i>Dallas</i> , Guthrie	68, 69(1st), 69X, 69XX
Poncy, Charles N.	Ottumwa	59	School Employee	89th—Mahaska, Monroe, <i>Wapello</i>	62, 63, 65, 66, 67, 67X, 69(1st), 69X, 69XX
Pope, Lawrence	Des Moines	41	Law Professor	65th— <i>Polk</i>	68, 69(1st), 69X, 69XX
Rapp, Stephen J.	Waterloo	32	Attorney	34th— <i>Black Hawk</i>	65, 68, 69(1st), 69X, 69XX
Renaud, Dennis L.	Altoona	39	D.M. Fire Department- Business	63rd— <i>Polk</i>	69(1st), 69X, 69XX
Renken, Robert H.	Aplington	60	Farmer-Businessman	38th—Black Hawk, Butler, Franklin, <i>Grundy</i> , Marshall, Tama	68(2nd), 69(1st), 69X, 69XX
Ritsema, Douglas	Orange City	29	Attorney	2nd—Plymouth, <i>Sioux</i>	68, 69(1st), 69X, 69XX
Rosenberg, Ralph *	Ames	32	Attorney	42nd—Boone, Polk, <i>Story</i>	None
Running, Richard V.	Cedar Rapids	35	Quality Assurance Technologist	27th—Benton, <i>Linn</i>	69(1st), 69X, 69XX
Schnekloth, Hugo	Eldridge	58	Farmer	78th—Clinton, <i>Scott</i>	67, 67X, 68, 69(1st), 69X, 69XX
Schroeder, Laverne W.	McClelland	48	Farmer	98th—Mills, <i>Pottawattamie</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Shull, Douglas	Indianola	38	Accountant	92nd—Lucas, Marion, <i>Warren</i>	68, 69(1st), 69X, 69XX
Smalley, Douglas R.	Des Moines	35	Attorney	60th— <i>Polk</i>	67, 67X, 68, 69(1st), 69X, 69XX

* Elected in Special Election November 3, 1981 due to resignation of Reid Crawford August 14, 1981

REPRESENTATIVES

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Smith, Joan (Jo)	Davenport	55	Businesswoman	79th— <i>Scott</i>	69(1st), 69X, 69XX
Spear, Clay	Burlington	65	Retired Postal Service	85th— <i>Des Moines, Lee</i>	66, 67, 67X, 68, 69(1st), 69X, 69XX
Stromer, Delwyn	Garner	51	Farmer	9th—Cerro Gordo, Franklin, <i>Hancock,</i> <i>Wright</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Stueland, Victor (Vic)	Grand Mound	61	Farmer	24th—Cedar, <i>Clinton, Johnson, Scott</i>	69(1st), 69X, 69XX
Sturgeon, Allan (Al)	Sioux City	25	Laborer	51st— <i>Woodbury</i>	69(1st), 69X, 69XX
Sullivan, William R.	Cantril	36	Heavy Equipment Operator	87th—Henry, Jefferson, Keokuk, Lee, <i>Van Buren, Wapello, Washington</i>	69(1st), 69X, 69XX
Swartz, Thomas E. (Tom)	Marshalltown	35	Real Estate Broker	39th— <i>Marshall</i>	69(1st), 69X, 69XX
Swearingen, George R.	Sigourney	58	Self-Employed, Home Improvement	88th— <i>Keokuk, Washington</i>	68, 69(1st), 69X, 69XX
Tofte, Semor C.	Decorah	70	Retired	16th— <i>Fayette, Howard, Winneshiek</i>	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX
Trucano, Jo Ann	Des Moines	38	Homemaker-Legislator	62nd— <i>Polk</i>	69(1st), 69X, 69XX
Tyrrell, Phillip E.	North English	49	Insurance	72nd—Benton, <i>Iowa, Johnson, Keokuk,</i> <i>Poweshiek</i>	68, 69(1st), 69X, 69XX
Van Maanen, Harold	Oskaloosa	52	Farmer	91st—Keokuk, Lucas, <i>Mahaska,</i> <i>Marion, Monroe, Poweshiek</i>	68, 69(1st), 69X, 69XX
Walter, Marcia K.	Council Bluffs	31	Secretary-Mother	100th— <i>Pottawattamie</i>	69(1st), 69X, 69XX
Welden, Richard W.	Iowa Falls	73	Retired Contractor	10th—Franklin, <i>Hardin, Wright</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69(1st), 69X, 69XX

MEMBERS OF THE HOUSE—SIXTY-NINTH GENERAL ASSEMBLY—1982 REGULAR SESSION—Continued

xii

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Welsh, Joseph J. (Joe)	Dubuque	26	Legislator	21st— <i>Dubuque</i> , Jackson	68, 69(1st), 69X, 69XX
Woods, Jack E.	Des Moines	45	Self-Employed	68th— <i>Polk</i> , Warren	65, 66, 67, 67X, 68, 69(1st), 69X, 69XX

REPRESENTATIVES

JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 11, 1982

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Sixty-ninth General Assembly of Iowa, 1982 Regular Session, convened at 10:00 a.m., Monday, January 11, 1982.

The House was called to order by the Honorable Delwyn Stromer, Speaker of the House.

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

COMMUNICATIONS RECEIVED

The following communication was received by the Speaker on January 11, 1982:

January 4, 1982

Speaker Delwyn Stromer
House of Representatives
State Capitol
Des Moines, Iowa 50319

Dear Speaker Stromer:

Due to both personal and financial reasons, it has become impossible for me to finish my term as Representative of the 84th District. This letter is to notify you of my resignation effective this date.

Sincerely,
LARRY KIRKENSLAGER
State Representative

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

IOWA CIVIL RIGHTS COMMISSION

An Annual Report, July, 1979—June 30, 1980, pursuant to Chapter 601A.5 (7), Code of Iowa.

An Annual Report, July, 1980—June 30, 1981, pursuant to Chapter 601A.5 (7), Code of Iowa.

IOWA RAILWAY FINANCE AUTHORITY

The 1981 Annual Report of the Iowa Railway Finance Authority, pursuant to Chapter 307B.8, subsection 9, Code of Iowa.

DEPARTMENT OF JOB SERVICE

The fourth Actuarial Report of the Iowa Job Insurance System as of December 31, 1980, pursuant to Chapter 54, Section 39, Laws of the Sixty-seventh General Assembly, 1977 Session.

DEPARTMENT OF PUBLIC INSTRUCTION

The Accountability Report for Vocational Education in Iowa—Fiscal Year 1980, pursuant to Chapter 258.13, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

The Uniform Crime Report comparison for the second quarter of 1981, pursuant to Chapter 692.15, Code of Iowa.

DEPARTMENT OF SOCIAL SERVICES

The Annual Report for 1980, pursuant to Chapter 217.21, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The Iowa Transportation Improvement Program, pursuant to 307A.2 (12), Code of Iowa.

The Iowa Transportation Policy for 1982, pursuant to Section 307.10 (1), Code of Iowa.

LEGISLATIVE FISCAL BUREAU

The fourth quarterly report (for quarter ending June 30, 1981) of the current status of major state funds, pursuant to Chapter 2.49 (5), Code of Iowa.

The quarterly report for the period of July 1 through September 30, 1981, of the current status of major state funds, pursuant to Chapter 2.49 (5), Code of Iowa.

TREASURER OF STATE

The Annual Report of Filing Fees, pursuant to Chapter 12.9, Code of Iowa.

On motion by Pope of Polk, the House adjourned at 10:05 a.m., until 9:00 a.m., Tuesday, January 12, 1982.

JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 12, 1982

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

Prayer was offered by the Reverend Robert G. Ricks, pastor of the Capitol Hill Christian Church, Des Moines.

The Journals of May 22, 1981 and January 11, 1982 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stan Haugland, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn on request of Crabb of Crawford and Hansen of O'Brien on request of Pope of Polk.

PERMANENT CHIEF CLERK

Johnson of Howard moved that Elizabeth A. Isaacson be elected permanent Chief Clerk of the House.

The motion prevailed and Elizabeth A. Isaacson was declared elected permanent Chief Clerk. Mrs. Isaacson presented herself and took and subscribed to the following oath:

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

APPOINTMENT TO COMMITTEE ON CREDENTIALS

The Speaker announced the appointment of Conlon of Muscatine and Binneboese of Plymouth to the committee on credentials.

REPORT OF THE COMMITTEE ON CREDENTIALS

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

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MARY JANE ODELL, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify, that the State Canvassing Board has declared that at special elections held on November 3, 1981, Don Knapp was elected to fill the vacancy in the office of State Representative for the twenty-second district, and Ralph Rosenberg was elected to fill the vacancy in the office of State Representative for the forty-second district, for the two year terms which began on January 1, 1981.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 16th day of November, 1981.

MARY JANE ODELL, Secretary of State

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MARY JANE ODELL, Secretary of the State of Iowa, custodian of the files and records pertaining to the elections in the state, do hereby certify, that the State Canvassing Board has declared that at a special election held on December 29, 1981, Tom Fey was elected to fill the vacancy in the office of State Representative for the eighty-first district, for the balance of the two year term which began on January 1, 1981.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 6th day of January, 1982.

MARY JANE ODELL, Secretary of State

WILLIAM H. HARBOR, Chair
HUGO SCHNEKLOTH
WALTER CONLON
LOWELL E. NORLAND
DONALD H. BINNEBOESE

Harbor of Mills moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Smith of Scott moved that a committee of two be appointed to escort Representative-elect Tom Fey to the well of the House.

The motion prevailed and the Speaker appointed Smith of Scott and Arnould of Scott to escort Representative-elect Tom Fey to the front of the House chamber where the Chief Clerk administered the following oath of office:

OATH OF OFFICE

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

TOM FEY

The following oath of office was administered to Representatives-elect Knapp and Rosenberg on December 2, 1981:

OATH OF OFFICE

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

**DON KNAPP
RALPH ROSENBERG**

I do certify that the above oath of office was administered on December 2, 1981 at the State Capitol.

DELWYN STROMER

I do certify that the above oath of office was administered on December 2, 1981 at the State Capitol.

DONALD D. AVENSON

Hanson of Delaware moved that a committee of four be appointed to escort Representatives Don Knapp and Ralph Rosenberg to their legislative seats.

The motion prevailed and the Speaker appointed as such committee Hanson of Delaware, Welsh of Dubuque, Poffenberger of Dallas and Bruner of Story.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Gross of Ringgold, Krewson of Polk and Jochum of Dubuque.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Anderson of Audubon, Menke of O'Brien and Lloyd-Jones of Johnson.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

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

HOUSE CONCURRENT RESOLUTION 101

By Pope and Avenson

- 1 *Be It Resolved by the House of Representatives,*
- 2 *the Senate Concurring,* That a joint convention of the
- 3 two houses of the 1982 session of the Sixty-ninth
- 4 General Assembly be held on Tuesday, January 12, 1982,
- 5 at 10:00 a.m.; and
- 6 *Be It Further Resolved,* That Governor Robert D. Ray
- 7 be invited to deliver his combined condition of the

8 state and budget messages at this joint convention of
9 the two houses of the General Assembly and that the
10 Speaker of the House of Representatives and the
11 President of the Senate be designated to deliver the
12 invitation to him.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE (House Concurrent Resolution 101)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 101 be immediately messaged to the Senate.

EMPLOYEES OF THE HOUSE

Johnson of Howard moved that the following named persons be appointed to complete the House staff of officers and employees, which motion prevailed:

David Werning—Acting Public Information Office Director
Christine K. Bishop—Assistant Legal Counsel
Vivian Anders—Journal Editor
Carol S. Edwards—Assistant Journal Editor
Diane L. Downing—Compositor
Ben Webb—Research Analyst
Sharon R. Robinson—Research Analyst
Deanna J. Templeton—Clerk to Caucus Staff
George Pendergraft—Postmaster

HOUSE PAGES GROUP I

Linda Stille—Speaker's Page
Gregory Kress—Chief Clerk's Page
Kerrie Armstrong—Page
David Bohlke—Page
Sydney Burgess—Page
Carol Callanan—Page
Mary Lynn Coffman—Page
Cassandra Lee Cole—Page
Paula Cramer—Page
Tam Fetters—Page

Robert W. Galle—Page
Paul Jennerjohn—Page
Susan D. Leider—Page
Laura Lucy—Page
Connie Martin—Page
Margaret Petersen—Page
Kathy Schuler—Page
Greg Watson—Page
Dave Wheeler—Page
Anne E. Woolson—Page

GROUP II

Karen Beattie—Page
Amy Christensen—Page

Trenton Crabtree—Page
Tammy Jo Crews—Page

Deena Dircks—Page
 Laura Elwood—Page
 John (Larry) Grisolano—Page
 Rhonda Kilburg—Page
 Charles Loeffelholz—Page
 Deborah D. Marlin—Page
 Amy E. Mathre—Page

Laura Nowack—Page
 David A. Schoon—Page
 Kelly Sebastian—Page
 Christina Tasler—Page
 Barbara J. Voss—Page
 Steven D. Weber—Page
 C. Joseph Weis—Page

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

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

Name	Round Trip Miles
Charles H. Bruner	76
James B. Clements	326
Thomas H. Fey	350
L. W. Gross	204
Rodney N. Halvorson	190
Donald J. Knapp	356
Raymond A. Lageschulte	276
Thomas A. Lind	240
Ralph Rosenberg	60
Harold A. Sturgeon	424
Semor C. Tofte	400

Respectfully submitted,
 JOHN PELTON
 MARVIN E. DIEMER
 JOHN H. CONNORS

On motion by Pelton of Clinton, the report was adopted.

COMMITTEE FROM THE SENATE

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

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 12, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, providing for a joint convention of the Senate and House of Representatives on Tuesday, January 12, 1982, at 10:00 a.m. to invite the Governor to present his Condition of the State Message.

K. MARIE THAYER, Secretary

The House stood at ease at 9:25 a.m., until the fall of the gavel.

The House resumed session at 9:38 a.m., Speaker Stromer in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Ritsema of Sioux, Petrick of Linn, and Pavich of Pottawatamie.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

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

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

JOINT CONVENTION

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

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

The motion prevailed.

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

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

The motion prevailed and the President appointed as such committee Senators Holden of Scott, Priebe of Kossuth and Ramsey of Clark on the part of the Senate, and Representatives Pellett of Cass, Swearingen of Keokuk and Walter of Pottawattamie, on the part of the House.

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

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

President Branstad then presented Governor Robert D. Ray who delivered the following Condition of the State Message:

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

You and I are together again to consider the condition of our state . . . and what we can do together to better that condition. We bring to this task experience and energy. We bring insight and ideas. We should also bring a measure of perspective.

Let me give you an example from an eloquent essay written about Iowa last summer by a native son, Hugh Sidey, an editor with Time magazine. Sidey said, "The rite of doing, of creating, still so easily exercised in Iowa, is becoming one of the world's most scarce commodities." Hugh Sidey was right on the mark.

As Iowans, we have been freely doing and creating since the early days of statehood. Year after year, we progress, we change, we grow.

During my years as Governor, I have always been proud to say that more and more Iowans seem to appreciate who they are, where they live and what they do.

Iowa offers so much to the world. Just this week I received a letter from Mrs. Elsie Chadima of Cedar Rapids in which she stated that she had lived all over the world and there is no place she prefers more than Iowa. We offer productive people to match our rich resources. We offer common sense, tolerance, respect and caring. We offer stability and balance. Yet, we also have the confidence to reach out and try new things.

Iowans possess these strengths, and we should not forget it. Perhaps it even takes tough times like these to recognize what we do have going for us. If that is the case, then surely we were tested in 1981.

Our hopes for recovery from the recession of 1980 were quickly dashed by the recession of 1981. Indeed, America's economy was about as flat as some of Iowa's best farmland.

Here in Iowa we have felt the full force of this recession.

Farm prices have yet to rebound. Adjusted farm income last year was the lowest of any year since the Great Depression.

We have also seen manufacturing layoffs and a slowdown in business activity.

Housing construction in Iowa last year dropped by 69 percent. All of this was caused by a recession we did not start and a recession we alone cannot end. But, there is some consolation in the knowledge that we are not alone. Governors and Legislators in the Midwest, and all across the land, are also struggling, coping and trying to make ends meet.

Let me give you some additional perspective on the year 1981, for there was some good news:

- * Iowa Farmers harvested record corn and bean crops, tops in the country.
- * Iowa companies announced 159 plant expansions, up 11 percent from 1980, and another 81 firms located here in '81 . . . creating new jobs for Iowans.
- * Iowans reduced their energy consumption by 7 percent, saving an average of \$368 per household; and, 26,000 low-income Iowans now have their homes weatherized.

In state government we began a comprehensive review of rising health care costs, and launched the Iowa Beginning Farmer Program.

The state ordered the return of \$60 million in rate refunds to thousands of Iowa utility consumers, and cut medicaid payment errors by 40 percent.

We also encouraged volunteerism, and highlighted the concerns and achievements of handicapped Iowans.

We did all of this in state government despite our limits. We used Iowa ingenuity and moved ahead. You legislators deserve credit for all of your good work last year, especially on reapportionment—which many other states have not yet resolved.

I believe we can build upon our record, the program I hand-deliver to you today charts a course with legislative and budget recommendations. I am enthusiastic about what we have designed, and I'm convinced our program will improve Iowa's quality of life by:

- * Creating jobs for Iowa workers.
- * Providing for Iowans who need our help.
- * Opening new fronts in the war on crime.
- * Protecting our precious soil and water.
- * And, streamlining state government to save tax dollars.

We also think you will be impressed with our ideas on education, energy, transportation, local governments and other critical issues.

Let me begin with details on job incentives.

JOBS FOR IOWANS

We have worked overtime to promote Iowa, to keep our state competitive, and to export Iowa products overseas—all to create Iowa jobs. We have had some successes, but we are concerned when any Iowan is without a job.

My goal again in 1982 is to improve our business climate, to further stimulate jobs for Iowans and for young Iowans who will soon look for their first career job.

My strategy includes seven points. First, I recommend further reducing the burden of property taxes. All new and replacement machinery, equipment and computers should be immediately assessed at only 30 percent of their cost, with the state reimbursing localities the other 70 percent, so they will not lose revenue. This is a significant incentive for businesses to locate here in Iowa. For existing Iowa industries, this is a big incentive to re-invest, re-tool, and open up jobs.

Second, we should fully adopt the new accelerated depreciation schedule. This is another sizeable incentive for business and for agriculture, too. These actions, along with Iowa's single-factor income tax formula, the continued phase-out of personal property taxes and our other advantages, will send a clear signal that we mean business when it comes to bringing business and jobs inside our borders, we are telling companies we want to keep the good jobs they provide.

My seven-point plan for more jobs also includes:

- * Third, putting a "one-stop" permitting center in the Development Commission to cut red tape.
- * Fourth, expanding a small business development authority and beginning a venture capital clearinghouse.
- * Fifth, funding Industrial Start-up Training at Iowa's excellent area schools.
- * Sixth, expanding Housing Authority lending to build 1,000 more homes for lower-income Iowans.
- * Seventh, mobilizing a Governor's Youth Corps, to give young Iowans the chance to work.

I can also tell you that a Governor's High Technology Task Force will meet this week to examine Iowa's potential for this dynamic growth industry.

And, we intend to enhance our promotion of Iowa for travel and tourism to bring dollars and jobs here.

I have said it before and it bears repeating: Most Iowans want to work, and when they do, they work well. Iowa must stay on the cutting edge and remain competitive to open up new job opportunities.

If we go to work this session for our Iowans, more and more of them will go to work in the future.

HELPING NEEDY IOWANS

In a recession, some people are not worried about economic revival. They are worried about economic survival.

With unemployment rates climbing daily, with cuts in federal aid, our Department of Social Services is hard pressed to meet the needs of Iowans who are also hard pressed.

To meet deficits caused by federal cuts and increasing caseloads, I ask for \$22.2 million through fiscal year 1983 in Title XIX medical services. You should also adopt Medicaid program changes to contain costs while preserving services for needy and elderly Iowans.

Further, while the federal government has passed the buck to us, we should not pass the buck to local governments. We will cover the shortfall in Title XX services—\$11.7 million for day care, residential care and sheltered work for our disadvantaged and disabled.

To help Iowa families where both parents are out of work, I request an additional \$1.7 million for an expanded shelter assistance program, and I continue my support for medical assistance to the children of those families.

These requests account for two-thirds of all supplemental askings. These are added dollars to take care of people hardest hit in hard times.

This plan provides essential services to Iowans who deserve our compassion, our concern and our care.

CRIMINAL JUSTICE

A strong attack on crime headlines my third set of recommendations.

Iowa continues to be a relatively safe place in which to live. We rank 46th in the United States in violent crime.

Nevertheless, any robbery, any mugging, any crime is too much as far as this Governor is concerned. That is why I convened a Governor's Conference on Crime Prevention last October. Over 700 Iowans, from all walks of life and from all 99 counties, shared their views and learned practical ways to help law enforcement at the local level. They told us they would go home and do their part. Now, we have the chance to do our part—to not only wage a war on crime, but to start winning the war on crime.

This morning I ask for a comprehensive set of laws to thwart a root cause of crime—drug trafficking. We need to confiscate drug profits, outlaw look-alike drugs, and double and triple fines on drug dealers.

A Criminal Justice Improvement Fund will bolster undercover narcotics operations and assist local police and sheriffs. This fund will assist private citizens with crime prevention and provide compensation for victims of crime. I again urge its approval. We have to act to stop unconscionable crimes, especially against elderly Iowans.

Changes need be made in Iowa's sentencing laws. Convictions for second degree murder, attempted murder and auto theft should carry a longer sentence. Every inmate should serve a predictable, minimum term. The new Iowa Classified Sentencing System I introduce today will keep violent, habitual criminals behind bars—where they belong. This system will also classify low-risk offenders who do not benefit from long sentences.

We have made significant changes at Iowa's correctional facilities this past year. But there are increased demands to take care of the rising prison population and to improve training for correctional officers. My program provides for both.

May I also aim the spotlight of public attention directly on one crime—the crime of drunk driving. Iowa has been commended for acting to curb drunk driving, but there is something else we can do.

Today I submit a five-point program to curtail driving while intoxicated. This includes the immediate confiscation and revocation of drivers' licenses. I am also directing state troopers to step up patrols during late evening hours.

We have done a remarkable job of reducing traffic deaths in our state. But I am still outraged when I read of accidents that involve alcohol. It's very simple—getting more drunks off the road will save lives.

The anti-crime package you receive today has been well researched. It is deliberate and detailed, and I encourage you to study the written addendum to my remarks.

For too long, society has feared the criminal. It's about time the criminal fears society.

IOWA'S NATURAL RESOURCES

Your work this session will touch the lives of Iowans for years to come. That is also true for Iowa's natural resources. So, conserving them is the goal of my fourth series of major legislative proposals.

Iowa's soil is famous, but it is also fragile. We now have a foothold in the effort to conserve Iowa's topsoil. In fact, we have made great strides. The number of no-till acres doubled last year, helping to stem erosion.

Iowa began America's first cost-share program. This year, we ought to begin a conservation loan program to stretch our dollars and save our soil.

1982 is also the year for land use legislation to preserve our farmland and the resources that are the essence of this state. A sound bill is ready for your consideration. Future generations of Iowans will thank you for your support of this worthy and workable approach.

This year, Iowa should consolidate its water policy functions, including folding the Natural Resources Council into the Department of Environmental Quality. Also on my priority list are ground water quality, water storage rights, and water allocation.

Iowa has been so beautifully blessed with an abundance of resources. We have the right to enjoy and utilize those resources, but not to exploit and undermine them.

If we don't save what is ours, who will? And if we don't act now, then when?

GOVERNMENT EFFICIENCY

Everyone in this room wants government to be more efficient and effective. So do all taxpayers.

We have worked for years to streamline state government, and we have come a long way. The hiring freeze cut the state's payroll by 1,200 positions. And, in less than two years, a majority of the money-saving suggestions made by the 1979 Governor's Economy Committee have been put in place. This year, we can move ahead and accomplish even more.

I again urge consolidating many functions into a single Department of Personnel. Two more wise moves would be reorganizing Iowa's Historical Department and combining professional licensing operations. And, I will soon sign an Executive Order to help control the proliferation of government forms and paperwork.

These are all common-sense ideas. And, they merit your thoughtful support in this year, 1982.

Your work this session will not be limited to creating more Iowa jobs, helping the needy, combating crime, protecting our resources, and economizing government. You will have other priorities, and so do I. One that warrants special mention is education.

Iowa's elementary and secondary schools, area schools, colleges and universities draw accolades, as well they should. They have received strong support from this administration and have put their dollars to good use. Iowa's student/teacher ratio continues to improve, and Scholastic Aptitude Test scores rank our students "Number One" in the nation.

We ought to take another step forward to assure that young Iowans excel in the 80's.

In addition to the \$25 million increase already scheduled for next year, I request adding \$6 per pupil to the School Foundation funding level for over 500,000 Iowa kids. This will bring school year 1982-83 funding to \$648 million, by far the highest ever.

To support higher education, I ask for supplemental appropriations for the University of Iowa College of Medicine, and for more faculty to cover increased enrollments at Iowa State and U.N.I. These dollars will be added to the recently increased tuition income, which will stay with the Board of Regents. And, I recommend bonding for a much needed facility at the University of Iowa Law School

I also endorse more tuition grant funding and the concept of a Higher Education Loan Authority, to help young Iowans attend the college of their choice.

My program for 1982 also includes meaningful assistance to local governments, such as:

- * Consolidating county funds for more flexibility
- * Allowing voters to adopt local option taxes.
- * Forming an Advisory Commission on Inter-Governmental Relations to work with Iowa's cities and counties.

Other Priorities Include:

- * Offering a property tax exemption for homes using energy-saving passive solar systems.
- * Assuring ongoing operation of the Department of Substance Abuse and the Energy Policy Council.
- * Planning for centralized funding of Iowa's judicial system.
- * Speeding up opening of the new hospital wing at the Iowa Veterans' Home in Marshalltown.
- * And, adjusting the gasohol tax exemption to continue support for Iowa's corn growers, but also putting needed dollars into road repairs.

Your action last year on road maintenance and railroad bonding will help us in the near future. Shortly, I will appoint a special Blue Ribbon Panel to review Iowa's transportation system—looking to our needs into the 21st century. This recommendation came from the Governor's Conference on Economic Opportunities held in Iowa City last November, and we Iowans will benefit from this panel's findings.

We really can do so much more than just get by one day at a time. Tomorrows are made today, and my program looks to brighter tomorrows.

I have set forth this game plan, realizing the President and Congress are still rewriting many of the rules. And, just as a snow fence cannot stop an Iowa blizzard, we cannot be expected to pick up all of the losses from federal cuts.

It is important that we maintain at least a small treasury balance for cash flow and contingencies.

So I call for collecting an estimated \$5.5 million from oil producers by not allowing the deduction of federal taxes on windfall profits. And, we should collect the sales tax on interstate telephone calls, as we do on local calls—and on cable T.V., as we do on other forms of entertainment.

I propose reducing the deductibility of federal taxes on state corporate taxes in order to offer the job incentives I introduced earlier. Even with this change, Iowa will still be one of only six states that offers this kind of tax break.

Comptroller Ronald Mosher forecasts revenue growth of 5.6 percent for this fiscal year. He projects a \$26 million balance as of June 30, 1982, and a \$30 million balance one year later, at the end of this biennium.

Of course, these balances are low. But, they are balances. Iowa is in the black today and we will be in the black tomorrow. Compare our budget with those states in the red, and our balance, as small as it is, looks like a pot of gold.

Here in Iowa, once again, good planning paid off. We made cuts and held the line on spending. We have said "No" a lot more than we have said "Yes". Not every state has shown this kind of discipline. And now, they are making meat-axe cuts, raising taxes, or doing both.

It sounds a lot easier to go along with the simple, easy notion of adding a penny or two sales tax. I have heard that rationale for years.

Well, I'll give you my reaction to that remedy. I don't buy it. When families and farmers and business people are wrestling with inflation, recession, and high interest rates, and when some people are not even working, state government should not go to those very people and ask to raise a major tax.

That has been my philosophy. That is my philosophy today. And, I believe our Iowans share it. As a result, in the last ten years, taxes have risen less in Iowa than in 42 other states. In 1982, with major income tax cuts at the federal level, we should not shortchange Iowans by raising major taxes at the state level.

Iowa's budget will balance without increasing sales tax rates . . . and without increasing income tax rates!

In closing, I am reminded of a comment made by John Naisbitt in Stockholm, Sweden a couple of years ago. Mr. Naisbitt is a trends analyst. He tells people what to look for in the future. In his remarks, John Naisbitt said, "We must make uncertainty our friend. It is, among other things, the only certainty we have."

I'm sure John Naisbitt believes that.

But, what about here in Iowa—with the lingering chill of recession and the frigid cold of winter? Can we find any certainty here?

You bet we can! We most certainly can!

There is still a special kind of spirit that goes with being an Iowan—a spirit that glows in the cities and towns and on the farms of this state. It's a spirit we Iowans carried to Pasadena, California, and showed the entire country New Year's Day when our Iowa Hawkeyes played in the Rose Bowl...

We may not turn every challenge into a conquest. But we try. We try, again and again. That resilience is an Iowa certainty. That too makes our home so very special.

And, here in Iowa, people don't just tend to themselves. They tend to each other.

My message today is really about trying and tending to others—all of you and all Iowans who are not here in this chamber, people all across this state.

My program is not a personal program, not a partisan program, but a people's program. To use a popular expression, this program is now in your court. But I will not retreat to the sidelines. I will not simply ask you to do well so that our Iowans may do well.

I will work with you. So will my staff, our capable agency heads, and all of the dedicated men and women who serve in state government.

Good, hard working Iowans have placed their trust in us. I respectfully suggest we owe them nothing less than our best efforts.

Let us join together with real resolve, with a degree of optimism, and yes, with a healthy perspective on what makes Iowa great. If we do, 1982 truly can be an exciting and enterprising year for our state and our people.

Let us begin.

GOVERNOR'S RECOMMENDATIONS

The following are recommendations submitted to the Sixty-ninth General Assembly, Second Session, in accordance with Article IV, Section 12, of the Constitution of the State of Iowa. They are not in any particular order or priority. This list does not, nor could it be expected to, include all matters that might be deemed of importance during this legislative session. It does reflect specific suggested matters for consideration by this General Assembly.

CREATE JOBS FOR IOWA WORKERS

Iowa's single factor tax, stable government, excellent educational system, productive workers and high quality of life make this a good place to do business. But new jobs must be created in our state. And several measures to do that are proposed. •

* **Job Incentive Tax Reduction**

After January 1, 1982, every time an Iowa business expands or retools, that business should be allowed to pay property tax on only the 30 percent residual value of the investment. The state, not the property taxpayer, will pick up the remainder of the property taxes on the investment. Thus, a direct incentive for expansion, new jobs and increased productivity will be provided. Combined with the other recommended tax proposals, this will benefit all types and sizes of businesses equally.

* **Personal Property Tax Phase-out**

The personal property tax phase-out began in 1973 during this administration and the state now provides substantial funding for this program. The phase-out of personal property taxes in Iowa should be continued this year.

* **Small Business Development**

The Iowa Business Development Credit Corporation (IBDCC) should be given the authority to provide additional assistance to small businesses. Last year only six loans were made, due to high interest rates. Those rates can be lowered by providing tax exempt bonds to the IBDCC.

* **Housing Assistance**

Housing starts last year were down 69 percent and many Iowans are unable to buy a home due to high interest rates. The Iowa Housing Finance Authority (IHFA) will modify its leading requirements to provide for the construction of 1,000 homes for lower-income Iowans.

* **One-Stop Permitting**

Doing business with state government should be made easier by establishing a one-stop permit center in our Development Commission.

* **Risk Capital Information Clearinghouse**

To help Iowans with promising business ideas find funding, an information clearinghouse on venture capital should be established in the IDC.

* **Industry Start-Up Training Program**

In order for the state to better compete in attracting and retaining industries, it is important that funds be made available for employee training purposes. The requested appropriation for the industrial start-up program will assist the training needs of employers that are either locating in Iowa or Iowa industries that are expanding.

*** High Technology Task Force**

A task force of education and business leaders to help Iowa attract more high technology industries into the state has been established. The task force will evaluate the state's educational programs, research activities and other Iowa assets which are attractive to high technology industries.

PROVIDE FOR IOWANS WHO NEED OUR HELP

During these days of economic recession and federal budget changes, state government is called upon to do more to help needy Iowans. Several proposals have been developed to do that.

*** Title XIX Medicaid**

A state supplemental appropriation of \$22.2 million dollars is provided to allow continuation of medical services for needy Iowans, despite major federal budget cuts and increasing health care costs. In addition, program changes, primarily in the area of administration and provider reimbursement are recommended. Iowans will continue to receive both mandated and current optional services. Co-pay is recommended where feasible, along with initiatives in altered reimbursement mechanisms to providers to reasonably reduce the cost of the program.

*** Social Services Block Grant Title XX**

Residential care, sheltered work, day care, and other social services block grant programs were particularly hard hit by federal budget cuts. Rather than drastically cutting programs or passing their costs onto the counties, a state supplemental appropriation of \$11.7 million dollars is provided. In addition, services will be maintained by keeping the eligibility standard at current levels.

*** Child Medical Assistance**

The Child Medical Assistance Program, or "Ribicoff Program" has proven itself successful in helping many children of unemployed parents and other needy Iowans. Support is recommended to continue this program through the entire fiscal year 1982 and fiscal year 1983.

*** Shelter Assistance**

This program has been established on a limited basis to provide financial assistance to the needy and unemployed Iowans in making the payments to keep adequate housing for themselves and their families. In order to provide more effectively for Iowans, the Shelter Assistance Program:

1. Should be expanded to a higher reimbursement level from \$150 per month to \$215 per month for rent or mortgage payments;

2. Should be extended to four months from the current three months; and
3. Should allow some earnings without being disqualified from the program.

The program, as expanded, will operate through fiscal year 1983.

*** Energy Assistance/Weatherization**

Rising energy prices and this cold winter work a true hardship on low-income Iowans. Last year 70,000 Iowa families received federal aid to pay their heating bills. Under the new Energy Assistance Block Grant, 100,000 Iowa families will be reached this winter. And, in addition, five percent of this grant can be used to provide low cost weatherization for the homes of scores of low-income households.

*** Workfare Pilot Project**

The state of Iowa should be prepared for any possible changes in the existing WIN program, or any possible state workfare mandates, while at the same time developing an effective and beneficial program for employment of welfare clients. A job placement/community services demonstration project for ADC recipients in a designated area should be established to do that. Known as the Coordinated Manpowers Services Program (CMS), it will test the feasibility of a state workfare project. This will provide vocational training in job placement services as a first priority, and after that, will utilize the identifiable skills of ADC recipients unable to find regular jobs.

*** Homemaker Services**

The popular and cost-effective homemaker program should be transferred from the authority of the Department of Social Services to the Department of Health. Such a transfer will enhance the effort to coordinate and integrate streams of funding for services, while at the same time maintain the level of services to clients. Associated program dollars will be transferred, duplicated positions eliminated, and necessary administrative costs in the Health Department will be provided.

*** Mental Health**

Last year major strides were taken in the effort to make the mental health system more efficient and responsive. This year that progress must be continued by providing financing and by combining funding streams. The funding already appropriated for fiscal year 1983 for the state mental aid fund and the partial inpatient reimbursement fund should be added to a supplemental appropriation of \$400,000. The total amount should then be appropriated to the state community mental health and mental retardation services fund, to be distributed using the law's formula. Counties would be guaranteed to receive no less than they received in payments for fiscal year 1981.

OPEN NEW FRONTS IN THE NEW WAR ON CRIME

Iowa has an enviably low crime record. Yet the crime rate continues to increase, and several steps are proposed to help stop it in its tracks.

Iowa Classified Sentencing System

Steps are needed to get tough with the habitual and violent criminal, reduce prison time for those low public risk offenders who do not need or benefit from long sentences, establish a more selective and predictable parole policy, and at the same time maintain an affordable corrections system with a stable prison population.

The Iowa Classified Sentencing System submitted today meets all of these concerns and more. The chief feature of classified sentencing is to base mandatory minimum sentences, time of parole eligibility, amount of earnable good time and length of parole supervision on a percentage of the statutory sentence.

*** Predictable Sentences**

Each offender sentenced to prison would receive a mandatory minimum sentence, the length of which would be determined by the number and nature of prior convictions. Habitual criminals and those who use a dangerous weapon would have a higher percentage of their indeterminate sentence to serve. Also, they would not be eligible for parole as soon as less persistent or less violent offenders.

*** Parole Eligibility**

The imposition of mandatory minimum sentences under the classified sentencing plan will eliminate the statutory requirement for annual parole interviews of inmates during that period. Even then, another substantial portion of a sentence will have to be served before an inmate would begin annual hearings as a matter of statutory right. Prison misconduct could extend this time even further. Of course, the board will be given the flexibility to selectively interview and allow parole for the inmate with an exceptional prospect of successful law-abiding reentry into society.

*** Good and Honor Time**

Under the proposed classified sentencing system, the present good time system would be substantially altered. It would be earned on a one-day-served/one-day-earned basis with the more habitual and violent inmates being able to earn less of a percentage of their sentence than others. For example, a non-habitual criminal whose crime did not include a dangerous weapon, could get 50 percent of his sentence reduced by "good time". The worst repeat offenders who use such weapons could reduce only 10 percent of their sentence through good conduct.

Drunk Driving Program

Drunk drivers represent one of the most serious threats to lives and property. More than 200 lives were lost last year in alcohol-related accidents on Iowa roads and highways. The death toll over five years exceeds 1,000.

To combat this problem, the Iowa State Patrol will adopt as its number one priority in 1982 cracking down on drunk drivers. The Patrol will put more troopers on the road during critical late evening hours and will increase troopers' mileage to 30,000 miles per year to enhance enforcement.

In order to further deal with this problem, actions are needed to:

- * provide authority to administratively revoke drivers' licenses in cases where a test shows a 10 percent blood-alcohol content or implied consent is invoked. We should also provide authority for law enforcement officers to serve notice of revocation and to immediately seize the drivers license in both of these situations.
- * authorize the use of the Preliminary Breath Test System (PBT) to assist peace officers in evaluating whether drivers should be arrested or given the choice of taking a regular breath test.
- * amend the "per se" drunk driving law to bring it into conformity with the OMVUI law.
- * prohibit the use of deferred judgments in cases where the defendant's drivers license was revoked for a previous OMVUI or "per se" violation.
- * increase to a serious misdemeanor from a simple misdemeanor the crime of driving without a valid license.

Crackdown on Drug Trafficking

To counter the spread and use of illegal drugs in our state, a crackdown on those most responsible for the proliferation of this problem—drug dealers—is needed. This can be done by enacting the following measures which will significantly toughen our substance abuse law:

- * The Drug Profits Act allows the state to recover all funds used in illegal drug transactions and, through civil procedures, to seize all assets and real property purchased with the profits of illegal drug sales.
- * The Turkey/Look-Alike Law makes it a crime to sell legal substances which have been represented to be illegal, and outlaws substances which are packaged in such a way as to resemble controlled or prohibited drugs. These so-called "look-alike" drugs have proved to be dangerous and, at times, even fatal while having no redeeming medical value.
- * Increasing drug fines will provide judges the ability to double or triple the amount of fines in convictions of first offense illegal drug transactions. They already have this power for second subsequent offenses.

Criminal Justice Improvement Fund

Those responsible for crime must help pay for needed criminal justice improvements. By placing a 10 percent surcharge on all fines levied in criminal cases, that can be done. Among these improvements are:

- * **Support for Undercover Narcotics Operations**

In order to effectively deal with drug dealers, the DCI and local police and sheriffs departments need adequate drug-buy money for their undercover agents. A significant increase in funds available to DCI agents is needed and a special fund within the Department of Public Safety for use by local law enforcement agencies for undercover operations should be created.

- * **Elderly Crime Prevention**

Elderly people are often the most defenseless against crime and the most affected by it. In order to help thwart burglaries, at least 20 pilot programs will be established in which elderly volunteers will do crime prevention audits on the homes of other elderly. This program will also include an effort to reduce elderly abuse by requiring the reporting of elderly abuse to law enforcement agencies. Follow-up work by available elderly volunteers will provide support services.

- * **Victim Compensation**

Crime often strikes those persons least able to suffer the financial and physical loss. In order to assist persons suffering bodily injury from crime and who are unable to pay all their medical bills or suffer a loss of wages, a limited pilot Victim Compensation Program should be established. This program would provide "last resort" payments to victims of crime who genuinely have no other means of making up the loss they suffered.

- * **Crime Prevention**

The most effective way to deal with crime is to stop it before it occurs. We have undertaken a number of steps to help communities across the state organize to prevent crime, and now action is needed to provide the help to sustain important efforts like: "Crime Stoppers" Phone Line, Crime Prevention Newsletter, Iowa Peace Officers Memorial, and Coordination of Elderly Crime Prevention Programs.

- * **Support for Local Law Enforcement Efforts**

Proposals are included to bolster local governments in dealing with the problem of crime. In addition to funds for local undercover drug operations, the following measures are needed:

- increase funds available to our crime lab to ensure that analysis of evidence is completed in as timely a fashion as possible.
- provide additional training courses for local peace officers at our Iowa Law Enforcement Academy.
- establish a statewide computerized information network on peace officer recruits so that local police and sheriffs departments will have access to all qualified candidates from around the state.
- assist in supporting the training of prosecutors and new County Attorneys.

* Drunk Driving Prevention

To help reduce drunk driving, criminal justice improvement fund monies should be used to purchase Preliminary Breath Test Equipment for the State Patrol and to support the staffs providing pre-sentence investigations and probation supervision of drunk drivers within our judicial districts.

* Corrections

To assist in upgrading the training and planning for our correctional system, action is needed to support the continuation of our new Corrections Training Academy at Mt. Pleasant and to provide funding for enhancement of a computer data collection system for community-based corrections within the Statistical Analysis Center.

Child Abuse Prevention

Funding is provided for programs which deal with child abuse after it occurs. Action must be taken to work to prevent it from occurring. Therefore, this budget includes an appropriation from the general fund to set up child abuse prevention pilot programs in our state. To help defray the costs of the program to the general fund, a \$5 fee can be added to marriage and dissolution costs.

Revision of Statutory Sentences

Since the Iowa Criminal Code took effect January 1, 1978, experience has shown some adjustment in sentence length is necessary to accurately reflect the full range of the seriousness of certain crimes.

The penalty of 25 years for Murder in the Second Degree should be supplemented with 50- and 75-year sentences, thus providing three alternatives for prosecutors and sentencing judges. The penalty of 10 years for Attempted Murder should be increased to 25 years, a Class B felony. The penalty of 5 years for Theft of Motor Vehicle should be supplemented with a 10 year penalty for thefts in which the value of the vehicle stolen exceeds \$1,000. This would result in equal penalties of 10 years for all thefts of goods valued over \$1,000.

Office of Criminal Justice Analysis

The Iowa Crime Commission has served the state well in bringing federal, state and local fiscal resources to bear in the constant battle against crime. Now, it is time for a new structure with a new emphasis. In its place, there should be established an Office of Criminal Justice Analysis. This office would work with the Statistical Analysis Center, the Inter-Agency Council on Criminal Justice Planning, the Supreme Court, and local law enforcement agencies to analyze policy proposals at all levels and share with each element of the system the implications of those decisions.

Corrections

Many states are now faced with serious prison overcrowding problems. In Iowa, steps were taken last year to provide more space for our prison population. Additional measures are necessary to maintain an effective correctional system.

- * Over 75 percent of our convicted offenders are in community-based corrections. The continued success of our local supervision and treatment efforts will be enhanced by expansion of and replacement of a certain number of community-based programs and facilities.
- * A system wide prisoner classification center will begin, located at the Iowa Men's Reformatory in Anamosa.
- * Luster Heights will continue to provide work projects for male minimum security offenders.
- * Continued and expanded training at Iowa's new correction academy will benefit all correctional personnel in the system.
- * Funds identified by the legislature last year should be authorized for expanding the correctional facility at Oakdale.
- * The General Assembly during the last session set in motion correctional changes involving the institutions at Rockwell City and Mitchellville. Recent zoning changes in Mitchellville and the continued need for additional medium security beds for men require a reassessment of legislative action in this area. Sufficient appropriations are recommended to provide for additional staffing and program needs at the Iowa Women's Reformatory at Rockwell City. Adequate funding is provided to establish a 100 bed medium security facility at Mitchellville. These recommended funding levels are also adequate should the General Assembly wish to pursue its initial course of action.

PROTECTION OF IOWA'S RESOURCES

Protecting our soil resource and prime farmland is a vital part of state government's responsibility. The state of Iowa leads the nation in state soil conservation programs and cost-share money. Further efforts to help increase soil conservation can be undertaken even with current budget restraints.

*** Soil Conservation Loan Program**

A soil conservation loan program should be established. This would be administered under the Iowa Family Farm Development Authority and use tax-exempt bonds to offer lower interest loans to farmers to install permanent soil conservation measures.

*** Land Use**

Preservation of prime farmland and the orderly use of land with protection for unique natural areas have always been a top priority of this Administration. This year is the year to pass a land use bill which should include the following provisions:

- Each county will conduct an inventory of land use within the county, including documenting changes of land use within the past 25 years.
- Each county will be required to develop and implement a county land use plan with consideration of statewide policy goals of preservation of prime farmland, recreational areas, wet lands, and forests.
- Each county will set up a county land use board comprised of representatives of the Soil Conservation District Commissioners, cities and the County Board of Supervisors to carry out the above.
- An inter-agency task force composed of state natural resource agencies will review the county plans and report to the legislature.
- Authority for landowners to voluntarily form agricultural land districts to preserve farmland will be allowed.
- Farmers with land in agricultural districts will be provided some protection from nuisance complaints of newer non-farm neighbors. The handling of complaints about soil erosion and water pollution will not be affected.
- Preservation of prime farmland should be included as a permissible objective of county zoning.

Nonlegislative Actions to Protect Soil Resources

*** Soil Conservation Education**

The Iowa Department of Soil Conservation will be working with commodity groups, agri-businesses, the Extension Service, farm organizations, and other soil conservation agencies to develop a coordinated effort to promote more soil conservation. Education and promotion increase the use of no and minimum tillage methods which are the most cost-effective way to reduce soil erosion.

*** Soil Conservation Folders**

The Soil Conservation Department plans to step up the pace of the implementation of the Iowa Soil 2000 legislation.

*** Preservation of Farmland**

An Executive Order will be issued to require all state agencies to consider preservation of farmland when carrying out their activities.

Protection of Iowa's Water Resources

Iowa has been blessed with plentiful water. However growing demand for water and the increasing potential of serious water pollution problems require us to increase our efforts to protect this valuable resource. To do so, the following is proposed:

*** Water Reorganization**

In order to have improved, coordinated management and increased government efficiency, a reorganization of the water regulatory agencies is needed. The functions of the Department of Public Health dealing with water wells and public drinking supply, along with the functions of the Iowa Natural Resources Council should be merged into the Water Division of the Department of Environmental Quality.

*** Safe Drinking Water**

The federal government has not been able to adequately administer the state's program. Therefore, the state should reestablish primacy for the public drinking water supply program. A fee schedule to pay for the program is being developed by DEQ.

*** Water Use Permits**

For further efficiency without abdicating public responsibility for controlling water use, increasing the minimum level of water withdrawal requiring a permit from 5,000 gallons per day to 25,000 gallons per day is proposed. Agencies to develop a coordinated effort to promote more soil conservation. This is a recommendation of the Governor's Economy Committee and the Iowa Natural Resources Council.

*** Water Storage Rights**

In anticipation of future water needs, Iowa is working with the federal government and large water users to obtain water storage capability in federal reservoirs. Upon completion of a water service contract, legislative approval should be granted.

*** Water Information**

To improve the quality of information on which decisions about water resources are made, all large users of water should be required to report their actual water usage.

- * **Missouri River**

Iowa's ability to deal with the increasing competition for Missouri River water must be maintained. The Missouri River Coordinator should be funded for the fiscal year 1983 by authorizing funds currently appropriated for the state's contribution to the now defunct federal-state River Basin Commissions.

- * **Water Data Collection**

In addition to these legislative proposals the executive branch will increase efforts in water data collection. Efforts will be made to identify abandoned wells which, when improperly sealed, can be direct conduits of surface pollutants to underground aquifers. And the Governor's Science Advisory Council will be asked to conduct a study of nitrate pollution of our water resources.

Park User Fees

The maintenance of our state parks has been hurt by federal funding reductions. A park user fee will raise substantial funds to be used to maintain our parks. Thirty-seven states, including Iowa's neighboring states, have park user fees, and polls show Iowans favor the fees as a way to keep up our parks. A \$10 per vehicle fee will allow unlimited enjoyment of all Iowa state parks for a whole year.

Energy

- * **Solar Property Tax Exemption**

Rising natural gas prices make it imperative that Iowans reduce their home energy consumption. Passive solar energy systems are proven to do just that in Iowa. The growing commercial acceptance of passive solar techniques should be encouraged by including passive solar energy systems in the current property tax exemption for active solar energy systems.

- * **Radioactive Waste Compact**

Over the years the usage of radioactive materials in power production, medical technology, research, and industry has increased. The disposal of the low-level radioactive waste which results from those operations has become a growing problem that soon could threaten the continued use of some of the benefits that science has made available to us. During the past few months Iowa has been negotiating a compact with neighboring states to resolve this problem and it is expected that an agreement can be presented to the legislature for consideration during this session.

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

Consumers pay unnecessarily high rates because of the litigation process currently employed to resolve appeals of Commerce Commission rate

refunds that are challenged by utility companies. Moreover, recent utility rate regulation changes make it imperative that the ISCC be able to obtain a final judicial determination of the allowable rate increase as quickly as possible. By providing direct appeal of rate decisions to the Supreme Court, the time lag of approximately two years now experienced in these appeals can be sharply cut. Fifteen states now allow direct appeal and so should Iowa.

Grain Elevator Protection

Many Iowa elevator operators built their elevators on land leased from railroads, with the protection of federal and state transportation agencies. Now some of these operators are being asked to pay up to \$73,000 per acre for their elevator by bankrupt railroads. And some land companies are buying these elevators at high prices, hoping to extract high rents from the elevator operator. But federal and state legal protections are gone. The legal protections the elevator operators had when they first built their elevators on the leased land should be restored.

Livestock Dealer Registration

Proposed federal cutbacks in livestock marketing regulations and the continuing need to improve the ability to control livestock diseases make a state livestock dealer registration law necessary. The administration of the registration program should be financed with fees assessed on livestock dealers.

STREAMLINE STATE GOVERNMENT

By further streamlining state government, better services can be provided to Iowans. This program includes several items which will increase the efficiency and the responsiveness of state government.

Personnel Department

The delivery of services to the public demands effective personnel policies and practices. By merging the Merit Commission and related activities into a new Personnel Department, a more cost-effective personnel management system can be provided. This proposal protects the academic freedom of our universities by exempting all Regents' academic personnel from the bill. The Personnel Department, as recommended by the Governor's Economy Committee, will provide important continuity and general oversight to personnel policy implementation in addition to managing our personnel system to contain its costs.

Professional Licensing Reorganization

Currently, there are 21 separate licensing boards for professional occupations which the Governor's Economy Committee recommended should be consolidated. After careful review, many licensing boards now appreciate the prospects this recommendation offers for greater efficiencies in their operations.

Plans are being made to combine the administrative functions of the Medical, Nursing and Pharmacy Licensing and Examining Boards under the Central Administration Division of the Health Department. The Health Department will provide general administrative direction and support to all health-related licensing and examining boards.

The administrative functions of the Accountancy, Architectural, Engineering, Landscape Architectural, Real Estate Commission and Watchmakers Licensing and Examining Boards will be organized under the Office of the State Comptroller.

Historical Department Reorganization

As another part of the effort to streamline state government, action should be taken to reorganize the Historical Department. This change will consolidate three separate divisions—museum and archives, historic preservation, and historical society—into a single department with one director. The location of the Historical Society and the independence of the State Archaeologist will be preserved.

OPP Reorganization

The Governor's Economy Committee recommended the reorganization of the Office for Planning and Programming (OPP). And Ed Stanek is doing that by streamlining its operation to more closely focus its purpose. Legislation is recommended to transfer the appointment of the Building Code Commissioner to the Department of Public Safety, to establish the Governor's Youth Corps which combines the Governor's Youth Opportunity Program and the Youth Conservation Corps, and to replace the Rural Community Development Committee with the Small Cities Program of the Community Development Block Grant.

Forms Control Committee

As a follow-up to the Paperwork Task Force and in response to a Governor's Economy Committee recommendation, a Forms Control Committee is being established by Executive Order. This committee will study the use of forms used by state agencies. The goal for the committee will be to reduce costs and increase efficiencies by reducing the number of forms used. The efforts of the Forms Control Committee will be statewide and will include full consideration of forms designed to be used with computer-based systems.

Valuable Ideas for Productivity (VIP)

Last year we began VIP, an innovative program to provide incentives for state employees to develop ideas to save the state money. This program is a great success—so far it has produced \$500,000 in annual savings. However, to make this program even more effective, current statistics should be amended to clarify the administrative responsibilities, provide a means of paying the cost of managing the program and increasing the maximum award from \$1,000 to \$2,500.

Assistance to Local Governments

The new federal philosophy of returning responsibilities to the state and local communities requires that communication and cooperation among the levels of government within the state be increased. To do this, the following measures should be adopted:

- * An Advisory Commission on Inter-Governmental Relations should be created with representation from the cities, counties, legislature and the Executive Branch. This will provide a permanent mechanism to address and research issues of concern to both local and state government.

- * Voters should be permitted to adopt local option taxes. Cities and counties face difficult financial prospects as does state government. With strict limits on the growth in property valuations, many local governments are at or close to their tax levy limits.

Today, over 30 states permit local option taxes. By allowing cities and counties to impose local option taxes after a vote of the people, citizens decide locally whether they wish to raise additional revenue.

- * A county finance bill should be passed. County governments labor under an archaic system of numerous, earmarked property tax levies which limit their flexibility, complicate their financial administration, and make it difficult to provide the public with meaningful budgetary and financial information. The county finance bill deals with these problems by reducing the number of property tax levies from over 30 to 4, by modernizing county accounting and financial reporting systems, and by placing realistic limits upon property tax growth.
- * Tort Liability. Local governments currently are exposed to a greater degree of liability than other levels of government. Local governments should not be liable for punitive damages just as the state and federal governments are not liable for such damages.

Education

Education has always been a priority of this administration. And, it is today. Proposals to maintain Iowa's educational excellence are recommended and should be approved.

- * **Elementary Secondary**

Increase the state cost per pupil by \$6 for 1983 and continue the 100 percent budget guarantee for 1984. Over 400 districts will receive additional state aid and no districts will receive less funds than the previous year.

- * **Regents**

Provide the state universities with supplemental funding, in addition to retaining the tuition increase, for increased faculty in high enrollment programs, for the College of Medicine at SUI and for utility cost increases. In addition, bonding for the Iowa University Law School building should be authorized.

- * **Private Colleges and Universities**

It is recommended that supplemental funding be provided for the tuition grant program to allow 585 additional students to become eligible for grant awards.

* **Merged Area Schools**

In addition to an appropriation to the industrial start-up program, funding to provide for 500 additional grants for the Vocational-Technical Program is recommended for your action.

* **Nonpublic School Transportation**

The state should maintain its commitment to provide transportation for nonpublic students in order to prevent public schools from shouldering an additional burden.

* **Cash Reserve Levy**

For years local school districts had the unlimited authority to levy for a cash reserve. But this authority was completely removed by a 1980 Attorney General's opinion and was subsequently restored by the 69th General Assembly at a level equivalent to 7 1/2 percent of the district's expenditures. It is recommended that the unlimited authority to levy for cash reserve purposes again be granted to local school districts. This authority, which does not increase the spending limit of districts would be utilized to replace uncollected revenue and to facilitate cash management. Additionally, the School Budget Review Committee should be empowered to reduce the levy in the following year if the cash reserve is determined to be unreasonably high.

Higher Education Loan Authority

Alternative sources of financial aid for students attending higher education institutions are necessary due to rising costs and reductions in the federal loan and grant programs. In order to prevent the restriction of access of students to higher educational opportunities, legislation should be enacted to establish a mechanism to provide this supplemental source of funding. The source, the Higher Education Loan Authority, would issue tax-exempt bonds which would be financed from private capital markets without state or federal guarantees. Low-interest student loans issued through the Authority would be an addition to existing state and federal financial aid programs.

TRANSPORTATION

Gasohol

Iowa leads the nation in gasohol sales, and the state's support for this growing industry must be continued. However, the 7 cent tax incentive and increased ethanol production have led to an unanticipated loss to the road use tax fund. We want to maintain our financial commitment to this industry, prevent the complete loss of tax incentives next year, and stem the increasing loss of road funds.

To do so, action should be taken to:

- * Extend the tax incentive for ethanol products from July 1, 1983 to July 1, 1985.

- * Phase out the current 7 cent tax incentive by adding 3 cents to the tax in 1982, 2 cents in 1983 and 1 cent in 1984.

Staggered Vehicle Registration

Current law requires Iowans to register their motor vehicles by January 31 of each year. The annual rush to register approximately 2.4 million cars and pickups results in long lines at the offices of the county treasurers. Legislation needs to be enacted to distribute the registration process throughout the year rather than compressing it into the existing two-month time frame.

Blue Ribbon Study of Transportation in Iowa

The Transportation Task Force of the Governor's Conference on Economic Opportunities recommended that I appoint a "blue-ribbon committee" to conduct a study of transportation. The idea is a good one and I plan to follow-up on it. This committee will study the critical transportation issues facing us in the future.

SUBSTANCE ABUSE/ENERGY POLICY COUNCIL EXTENSION

Unless the legislature acts this year, the Iowa Department of Substance Abuse and the Energy Policy Council will expire at the end of the next fiscal year. Action also is necessary to fund the Department of Substance Abuse for the same year. A recent audit has confirmed that the Department of Substance Abuse is an effective and efficient agency. Iowa's excellent energy conservation record speaks well for the EPC. Both agencies should be retained.

REVENUES

In order to keep Iowa's budget in the black, several revenue changes must be made.

*** Federal Tax Changes/Deductibility**

The federal Accelerated Cost Recovery System (ACRS) and the interest and dividend exemption reduction should be adopted. ACRS adoption will provide new investment and job opportunities for Iowans. To offset the significant loss of corporate tax revenue due to the ACRS adoption, to prevent a shift in the tax burden to other taxpayers, and to maintain tax incentives for expansion and new jobs, the federal tax deduction for corporations should be reduced from 50 to 25 percent. Despite this reduction in corporate deductibility, Iowa will remain one of only six states in the nation that offers this tax incentive.

*** Federal Windfall Profits**

Oil producers should no longer be allowed to deduct their windfall profits tax from their Iowa taxes. Presently this windfall tax costs Iowans twice—when it is paid for at the pump and when it is deducted from the Iowa taxes paid by oil producers.

*** Interstate Telephone and Cable TV**

Consistent with the biennial budget recommendations, the sales tax should be applied to interstate phone calls, just as it is levied against calls within the state. It should apply equally to cable TV as it does to other entertainment services.

*** Insurance License Fees**

Many of these insurance fees have not been adjusted for years. House File 846, which will modestly increase these fees, has passed the House and is awaiting consideration in the Senate.

*** Cash Management Improvement**

In these days of high interest rates, it is important for the state to receive its money from collection agents as quickly as possible. Therefore, the General Assembly should act quickly to:

- collect use tax deposits on a monthly instead of a quarterly basis.
- collect sales tax deposits of \$4,000 or more semi-monthly instead of monthly. Illinois now requires weekly payments. Two hundred seventy-five Iowa taxpayers would be affected by this change.
- collect withholding tax deposits of \$8,000 or more on a semi-monthly instead of monthly basis. The federal government and several other states now require withholding deposits more frequently than monthly. Three hundred Iowa taxpayers would be affected by this change.

*** Nonresident and Part-Year Resident Income**

Several of Iowa's neighboring states now base the computation of state income tax rate on the total income earned by nonresidents and part-year residents. The Iowa tax rate on these incomes is based on income derived only from Iowa sources. Thus a non- or part-year Iowa resident is subject to Iowa tax rates lower than the full-year Iowa resident who makes the same taxable income. Iowa should tax at a rate based on all income earned for everyone. This can be done without affecting our reciprocal tax agreements with some of our neighboring states.

Block Grant Funding

Under legislation passed last year, the General Assembly will be required to appropriate block grant funds received by the state during fiscal year 1983. At this time, there is great uncertainty about the level of federal funding for next fiscal year. When the federal funding picture becomes clearer, recommendations will be made to appropriate the block grants.

Centralized Court Funding

Preliminary studies have been completed over the past three years to assess the feasibility of state assumption of court funding and centralized court personnel administration in Iowa. To further develop this proposal, \$200,000 is appropriated to the Iowa Supreme Court to plan for the implementation of this centralized system.

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

Pope of Polk moved that the joint convention be now dissolved, which motion prevailed.

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth on request of Howell of Floyd.

INTRODUCTION OF BILLS

House File 2001, by Daggett, a bill for an act to require that action on an administrative rule requires the approval of a majority of the voting membership of a multimember agency.

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

House File 2002, by Corey, a bill for an act providing for reregistration at reduced weights for truck tractors and road tractors.

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

House File 2003, by Mullins, a bill for an act to legalize the sale of certain property in Rolfe, Pocahontas county, Iowa.

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

House File 2004, by Horn, a bill for an act relating to the licensing of schools to conduct games of skill, games of chance, bingo, and raffles.

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

House File 2005, by Mullins, a bill for an act relating to the state sales, services, and use tax by increasing the tax rate and providing an exemption from the tax for sales of fuels used for heating residential dwellings.

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

House File 2006, by Tyrrell, a bill for an act exempting from the sales, services, and use tax the purchase of certain new machinery and equipment for use in a business, including a farm, and providing a January 1 effective date.

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

House File 2007, by Pellett, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies, under the state sales, services, and use tax.

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

House File 2008, by Harbor, a bill for an act to increase the handling fee on beverage containers subject to a mandatory deposit.

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

House File 2009, by Humpel, a bill for an act to allow a judicial magistrate to be appointed for a term in which the magistrate would attain the age of seventy-two.

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

House File 2010, by Groth, a bill for an act to permit a farm implement dealer to move an oversize implement of husbandry, without distance limitations, to a farm purchaser.

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

House File 2011, by Conlon, a bill for an act relating to violations of court orders relating to child custody and visitation rights, and providing penalties.

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

House File 2012, by Crabb, a bill for an act disqualifying individuals who voluntarily quit employment for certain reasons from receiving unemployment compensation benefits.

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

House File 2013, by Spear, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

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

House File 2014, by Crabb, a bill for an act relating to inmate labor.

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

House File 2015, by Johnson of Linn, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

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

House File 2016, by Bennett, a bill for an act to provide that a bill approved by the administrative rules review committee has the same status as a bill approved by a standing committee of a chamber of the general assembly.

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

House File 2017, by Tyrrell, Johnson of Linn, Renken, Johnson of Howard, Van Maanen and Danker, a bill for an act establishing the penalties of death or life imprisonment for certain offenses and prescribing procedures therefor, and providing a January 1 effective date.

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

House File 2018, by Horn, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area.

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

House File 2019, by Tyrrell, a bill for an act creating a position of a liaison between the state board of regents, the standing committees on education, the education appropriations subcommittees, and the general assembly.

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

House File 2020, by Bennett, a bill for an act relating to the operation of a motor vehicle by a juvenile under the influence of an alcoholic beverage or a narcotic, hypnotic, or other drug, and providing penalties.

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

House File 2021, by Hummel, a bill for an act relating to marriage solemnization fees.

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

House File 2022, by Lind, a bill for an act that requires pharmacists to wrap prescription drugs that are packaged in child-proof containers in red sacks before delivering them to purchasers.

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

House File 2023, by Halvorson of Clayton, a bill for an act relating to the reduction of sentences for inmates convicted of crime for which there is a mandatory minimum sentence.

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

House File 2024, by Crabb, a bill for an act abolishing the citizens' aide office.

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

House File 2025, by Crabb, a bill for an act abolishing the civil rights commission.

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

House File 2026, by Crabb, a bill for an act abolishing the department of environmental quality.

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

House File 2027, by Smalley, a bill for an act to provide for a special turkey hunting license for landowners.

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

House File 2028, by Crabb, a bill for an act to appropriate funds for the dredging of Blue Lake.

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

House File 2029, by Byerly, a bill for an act relating to marriage solemnization fees.

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

House File 2030, by O'Kane, a bill for an act relating to the qualifications for the additional property tax relief for the elderly and disabled.

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

House File 2031, by Schnekloth, a bill for an act relating to the right to kill a licensed dog.

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

House File 2032, by Pellett, a bill for an act relating to the coverage of corporate officers under the workers' compensation law, with a January 1 effective date.

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

House File 2033, by Welden and Diemer, a bill for an act relating to the defense of indigents at public expense, and providing for restitution.

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

HOUSE CONCURRENT RESOLUTION 102

By Pope and Avenson

1 *Whereas, the State Historical Society of Iowa was*
2 *created by the Iowa General Assembly in 1857; and*
3 *Whereas, the State Historical Society of Iowa has*
4 *furthered an understanding of the history of this state*
5 *by maintaining a library of materials, conducting studies*
6 *and researches, issuing publications, encouraging and*
7 *assisting local organizations devoted to an understanding*
8 *and appreciation of Iowa history, and developing a uniform*
9 *system of marking state historical archaeological, geological*
10 *and legendary sites; and*
11 *Whereas, the governor is designating the week of*
12 *January 24 through January 30, 1982, as "State Historical*
13 *Society of Iowa Week"; and*
14 *Whereas, the 1982 Session of the Iowa General Assembly*
15 *wishes to participate in recognizing the One Hundred*
16 *Twenty-fifth Anniversary of the State Historical Society*
17 *of Iowa and express its appreciation to the members of the*
18 *Society for the educational and cultural contributions to*
19 *the citizens of Iowa; Now Therefore,*
20 *Be It Resolved by the House of Representatives, the*
21 *Senate Concurring, That the Iowa General Assembly congratulates*
22 *the State Historical Society of Iowa on the One Hundred*
23 *Twenty-fifth Anniversary of the Society and extends its*
24 *appreciation to the Society for the outstanding accomplish-*
25 *ments it has achieved in contributing to the education and*
26 *awareness of Iowa citizens, as well as citizens of other*
27 *states, concerning the historical and cultural achievements*
28 *of the State of Iowa; and*
29 *Be It Further Resolved, That a copy of this resolution be*
30 *forwarded to the director of the division of the State*

Page 2

1 Historical Society of the Iowa state historical
2 department.

Laid over under Rule 30.

HOUSE AND SENATE FILES RETURNED TO COMMITTEES

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

H.F. 21 Transportation

H.F. 36 Labor and Industrial Relations

H.F. 55	Transportation
H.F. 59	State Government
H.F. 84	Labor and Industrial Relations
H.F. 114	Natural Resources
H.F. 225	Agriculture
H.F. 436	State Government
H.F. 625	Agriculture
H.F. 725	State Government
H.F. 732	Transportation
H.F. 748	Judiciary and Law Enforcement
H.F. 755	Transportation
H.F. 758	Ways and Means
H.F. 760	Judiciary and Law Enforcement
H.F. 770	Human Resources
H.F. 791	Judiciary and Law Enforcement
H.F. 799	Education
H.F. 809	Natural Resources
H.F. 810	Transportation
H.F. 812	Transportation
H.F. 813	Judiciary and Law Enforcement
H.F. 814	Commerce
H.F. 815	Ways and Means
H.F. 819	State Government
H.F. 827	County Government
H.F. 832	Commerce

H.F. 840	Ways and Means
H.F. 845	Ways and Means
H.F. 848	Ways and Means
H.F. 854	Ways and Means
H.F. 859	Appropriations
H.F. 860	Appropriations
H.F. 862	Ways and Means
H.F. 870	Ways and Means
H.F. 871	Ways and Means
S.F. 209	County Government
S.F. 268	Judiciary and Law Enforcement
S.F. 276	Judiciary and Law Enforcement
S.F. 277	Judiciary and Law Enforcement
S.F. 293	County Government
S.F. 294	Natural Resources
S.F. 306	Judiciary and Law Enforcement
S.F. 308	Commerce
S.F. 322	Natural Resources
S.F. 399	Natural Resources
S.F. 400	Ways and Means
S.F. 438	State Government
S.F. 455	County Government
S.F. 500	County Government
S.F. 513	Judiciary and Law Enforcement
S.F. 539	Labor and Industrial Relations
S.F. 577	Judiciary and Law Enforcement

STANDING COMMITTEE APPOINTMENTS

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

Anderson, Robert T. — Committee on Appropriations, Ranking member

Bruner, Charles H. — Committee on Appropriations

Conlon, Walter — Committee on Judiciary and Law Enforcement, Chair

Crabb, Frank — from the Committee on Labor and Industrial Relations to the Committee on State Government, Vice-chair

Fey, Tom — Committee on Cities, Committee on Human Resources, Committee on State Government, Transportation Appropriations Subcommittee

Knapp, Don — Committee on Agriculture, Committee on Energy, Committee on Human Resources, Corrections/Mental Health Appropriations Subcommittee

Menke, Lester D. — Committee on Appropriations

Mullins, Sue — Committee on Appropriations

Pellett, Wendell — from the Natural Resources Appropriations Subcommittee to Social Services Appropriations Subcommittee

Pope, Lawrence — Natural Resources Appropriations Subcommittee

Rosenberg, Ralph — Committee on Judiciary and Law Enforcement, Committee on Natural Resources, Committee on Transportation, State Departments Appropriations Subcommittee

Stueland, Victor — from the Human Resources Appropriations Subcommittee to the Corrections/Mental Health Appropriations Subcommittee

Swearingen, George — Committee on State Government, from Vice-chair to Chair

APPOINTMENTS

Speaker Stromer announced the following appointments:

LEGISLATIVE COUNCIL APPOINTMENTS

Robert Anderson Legislative Council Fiscal Committee,
..... Block Grants Subcommittee

Richard Byerly Legislative Council

COMMISSION ON THE AGING
(Section 249B.2)

Janet Carl To fill vacancy expiring June 30, 1983

COMMISSION ON COMPENSATION, EXPENSES,
SALARIES FOR ELECTED STATE OFFICIALS
(Section 2A.1)

Daryl Watts, Eagle Grove Term ending June 30, 1986

CONFIDENTIAL RECORDS COUNCIL
(Section 692.19)

Robert C. Arnould Pleasure of Speaker
Douglas Ritsema Pleasure of Speaker

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

Betty Jean Clark Pleasure of Speaker
Kenneth De Groot Pleasure of Speaker

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:

Chief Clerk	Elizabeth A. Isaacson	\$21,257.60	Annually	7/03/81
		Grade	Class of	Eff.
<u>Position</u>	<u>Name</u>	<u>and</u> <u>Step</u>	<u>Appoint-</u> <u>ment</u>	<u>Date</u>
Acting Public Information Office Director	David Werning	22-1	S-O	12/28/81
Assistant Legal Counsel	Christine Bishop	23-1	S-O	1/08/82
Journal Editor	Vivian Anders	23-4	P-FT	11/19/81
Assistant Journal Editor	Carol S. Edwards	19-4	P-FT	12/15/81
Compositor	Diane L. Downing	16-2	S-O	12/18/81
Research Analyst	Benjamin S. Webb	26-1	P-FT	9/01/81
Research Analyst	Sharon Robinson	26-1	P-FT	9/11/81
Clerk to Caucus Staff	Deanna J. Templeton	13-1 + 1	P-FT	1/11/82

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Postmaster	George Pendergraft	10-1	S-O	1/11/82
Speaker's Page	Linda Stille	\$3.35 per hour	S-O	1/11/82
Chief Clerk's Page	Gregory Kress	\$3.35 per hour	S-O	1/11/82
Page	Kerrie Armstrong	\$3.35 per hour	S-O	1/11/82
Page	David Bohlke	\$3.35 per hour	S-O	1/11/82
Page	Sydney Burgess	\$3.35 per hour	S-O	1/11/82
Page	Carol Callanan	\$3.35 per hour	S-O	1/11/82
Page	Mary Lynn Coffman	\$3.35 per hour	S-O	1/11/82
Page	Cassandra Lee Cole	\$3.35 per hour	S-O	1/11/82
Page	Paula Cramer	\$3.35 per hour	S-O	1/11/82
Page	Tam Fетters	\$3.35 per hour	S-O	1/11/82
Page	Robert W. Galle	\$3.35 per hour	S-O	1/11/82
Page	Paul Jennerjohn	\$3.35 per hour	S-O	1/11/82
Page	Susan D. Leider	\$3.35 per hour	S-O	1/11/82
Page	Laura Lucy	\$3.35 per hour	S-O	1/11/82
Page	Connie Martin	\$3.35 per hour	S-O	1/11/82
Page	Margaret Petersen	\$3.35 per hour	S-O	1/11/82
Page	Kathy Schuler	\$3.35 per hour	S-O	1/11/82
Page	Greg Watson	\$3.35 per hour	S-O	1/11/82
Page	Dave Wheeler	\$3.35 per hour	S-O	1/11/82
Page	Anne E. Woolson	\$3.35 per hour	S-O	1/11/82

GROUP II

Page	Karen Beattie	\$3.35 per hour	S-O	3/09/82
Page	Amy Christensen	\$3.35 per hour	S-O	3/09/82

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Page	Trenton Crabtree	\$3.35 per hour	S-O	3/09/82
Page	Tammy Jo Crews	\$3.35 per hour	S-O	3/09/82
Page	Deena Dircks	\$3.35 per hour	S-O	3/09/82
Page	Laura Elwood	\$3.35 per hour	S-O	3/09/82
Page	John (Larry) Grisolano	\$3.35 per hour	S-O	3/09/82
Page	Rhonda Kilburg	\$3.35 per hour	S-O	3/09/82
Page	Charles Loeffelholz	\$3.35 per hour	S-O	3/09/82
Page	Deborah D. Marlin	\$3.35 per hour	S-O	3/09/82
Page	Amy E. Mathre	\$3.35 per hour	S-O	3/09/82
Page	Laura Nowack	\$3.35 per hour	S-O	3/09/82
Page	David A. Schoon	\$3.35 per hour	S-O	3/09/82
Page	Kelly Sebastian	\$3.35 per hour	S-O	3/09/82
Page	Christina Tasler	\$3.35 per hour	S-O	3/09/82
Page	Barbara J. Voss	\$3.35 per hour	S-O	3/09/82
Page	Steven D. Weber	\$3.35 per hour	S-O	3/09/82
Page	C. Joseph Weis	\$3.35 per hour	S-O	3/09/82

G-L + P**

Secretary*	Peggy Andrews	13-1 + 1	S-O	1/11/82
Secretary*	M. Brian Brandsgard	13-1 + 1	S-O	1/11/82
Secretary*	Gretchen Cardamon	15-1 + 1	S-O	1/11/82
Secretary*	Elsie Corey	13-1 + 1	S-O	1/11/82
Secretary*	Cheryl McFarlene Craib	13-1 + 1	S-O	1/11/82
Secretary*	Kathleen J. Davidson	15-1 + 2	S-O	1/11/82
Secretary*	Corliss E. Dornisch	13-1	S-O	1/11/82
Secretary*	Karen Elder	13-1	S-O	1/11/82
Secretary*	Lucy Fey	13-1	S-O	1/11/82
Secretary*	Sarah E. Herold	13-1	S-O	1/11/82
Secretary*	Darlene J. Higginbottom	15-1 + 2	S-O	1/11/82
Secretary*	Susan K. Hill	13-1 + 1	S-O	1/11/82

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
G-L + P**				
Secretary*	B. June Kullander	15-4 + 2	S-O	1/11/82
Secretary*	Anita Lindstrom	13-1	S-O	1/11/82
Secretary*	Mary Ann Magnani	13-1 + 1	S-O	1/11/82
Secretary*	Mary Ellen Maulsby	13-1 + 1	S-O	1/11/82
Secretary*	Dorothy Mauro	13-1 + 1	S-O	1/11/82
Secretary*	Nancy D. McCarthy	13-1 + 1	S-O	1/11/82
Secretary*	Betty C. Millen	13-3 + 1	S-O	1/11/82
Secretary*	Meredith H. Myers	13-1	S-O	1/11/82
Secretary*	Kathleen L. Peterson	15-2 + 1	S-O	1/11/82
Secretary*	Joanne Petrick	13-1 + 1	S-O	1/11/82
Secretary*	Mary A. Rhoads	15-1 + 2	S-O	1/11/82
Secretary*	Betty Rutan	15-1 + 1	S-O	1/11/82
Secretary*	Suzanne Odea Schenken	13-1	S-O	1/11/82
Secretary*	Elizabeth Seiser	13-1 + 1	S-O	1/11/82
Secretary*	Mildred E. Stewart	15-5	S-O	1/11/82
Secretary*	Julie K. Stone	13-1 + 1	S-O	1/11/82

* Referred to as Clerk I and Clerk II in Senate Concurrent Resolution 4

** G = Grade
L = Longevity
P = Position

JOHNSON of Howard, Chair

COMMUNICATION REGARDING JUDICIAL RETIREMENT SYSTEM

There is on file in the office of the Chief Clerk the report of the Actuarial Valuation as of July 1, 1981, for the State of Iowa Judicial Retirement System.

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby, acknowledge delivery to me on the 11th day of January, 1982, of the report of the Actuarial Valuation as of July 1, 1981, for the State of Iowa Judicial Retirement System.

ELIZABETH A. ISAACSON, Chief Clerk

**PROOF OF PUBLICATION
(House File 2003)**

Published copy of House File 2003 and verified proof of publication of said bill in the Rolfe Arrow, a weekly newspaper printed and published in Rolfe, Pocahontas County, Iowa, on July 2, 1981 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMUNICATIONS RECEIVED

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

COMMISSION ON THE AGING

The Fiscal Year 1980 Annual Report of the Iowa Commission on the Aging, pursuant to Chapter 249B.4, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The rail passenger service feasibility study, pursuant to Section 30, Chapter 3, Laws of the Sixty-ninth General Assembly, Second Extra 1981 Session.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 500 Judiciary and Law Enforcement

Relating to the penalty for violation of section 707.11.

S.B. 501 Judiciary and Law Enforcement

Relating to the penalty for murder in the second degree.

S.B. 502 Judiciary and Law Enforcement

Relating to the collection of filing and docketing fees for indictments or informations.

S.B. 503 Judiciary and Law Enforcement

To prohibit the use of deferred judgments, deferred sentences, or sentences for the offense of operating a motor vehicle in violation of section 321.281.

S.B. 504 Judiciary and Law Enforcement

Relating to criminal responsibility for the commission of a public offense while mentally ill.

S.B. 505 Judiciary and Law Enforcement

Relating to custody of children upon dissolution of marriage.

S.B. 506 Education

To allow school districts to charge a fee for driver education.

S.B. 507 Education

Relating to certification of persons affecting reading disabilities and to prescribe a penalty.

S.B. 508 Judiciary and Law Enforcement

Relating to the immunity of witnesses.

S.B. 509 Judiciary and Law Enforcement

Relating to marriage solemnization fees.

On motion by Halvorson of Clayton, the House adjourned at 11:25 a.m., until 9:00 a.m., Wednesday, January 13, 1982.

JOURNAL OF THE HOUSE

Third Calendar Day — Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 13, 1982

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

Prayer was offered by the Reverend Mark Haverland, pastor of the Faith United Methodist Church, Ankeny.

The Journal of Tuesday, January 12, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. George Kappos, Ankeny.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hansen of O'Brien on request of Pope of Polk; Binneboese of Plymouth for January 13 and 14 on request of Arnould of Scott; Lonergan of Boone for the morning on request of Crabb of Crawford; Miller of Buchanan for the week of January 11, 1982 on request of Pope of Polk.

PETITION FILED

The following petition was received and placed on file:

By Spear of Lee, from the Fort Madison Community School District imploring the legislature to pass legislation to fully reimburse the public schools for the transportation of non-public school students.

HOUSE FILE 94 WITHDRAWN

Smalley of Polk asked and received unanimous consent to withdraw House File 94 from further consideration by the House.

HOUSE FILE 830 WITHDRAWN

Pellet of Cass asked and received unanimous consent to withdraw House File 830 from further consideration by the House.

HOUSE FILE 97 WITHDRAWN

Schroeder of Pottawattamie asked and received unanimous consent to withdraw House File 97 from further consideration by the House.

REMARKS BY THE SPEAKER

Speaker Stromer addressed the House as follows:

I would like to take this opportunity to officially welcome everyone back to the second session of the Sixty-ninth General Assembly. We also extend a special welcome to the three new members of this body, the Honorable Ralph Rosenberg from House District 42, the Honorable Don Knapp from House District 22, and the Honorable Thomas H. Fey of House District 81. I know you will all cooperate in helping these new legislators feel welcome in the Iowa legislature.

A year ago in trying to assemble the proper remarks for a speaker to give to a new session of the General Assembly, I discovered very soon that the problems that were facing our counterparts 20, 40 or 60 years ago were no different than those faced by the Sixty-ninth General Assembly—excellent schools, a good transportation system, and fair taxation have always been goals of each General Assembly. That situation is no different today.

To research remarks for the second session is much easier because this is only the seventh time in the twentieth century that Iowa has had a regular session in the even numbered years. Speaker Harbor reminded the body that if the confidence of the electorate in voting for annual sessions was right, the body must discipline itself to press for only issues that are in the public interest. That's still good advice today.

Speaker Cochran pointed out that Iowa has achieved an enviable record by being recognized as one of the best and most effective legislatures in the nation. We have continued to try to merit this fine recognition.

In my remarks last year I suggested that it would be appropriate in the eighties to concentrate on the preservation of our natural as well as our fiscal resources. Last session this body had a great track record for carefully monitoring our fiscal resources and spending in relation to that record, and it is my hope that this session the natural resources will be given special consideration with a fair study of our land and water resources.

It has been popular to talk about hitting the ground running each year by speakers and floor leaders. It would be my thought that this session we assess the lay

of the land carefully, and then proceed cautiously, but expeditiously. The electorate is demanding more "bang" for the bucks and it is our job to make that noise.

Last, but certainly not least, a state that spends nearly 2/3's of its fiscal resources on education can no longer afford to export its young people. We must find job opportunities for them in Iowa.

I join you in looking for a very prosperous and rewarding session.

REMARKS BY THE MINORITY LEADER

Avenson of Fayette addressed the House as follows:

Mr. Speaker, Ladies and Gentlemen:

I'd like to welcome all of you back for this second session of the Sixty-ninth General Assembly. I'd particularly like to welcome Don Knapp, Ralph Rosenberg and Tom Fey—three very hardworking, intelligent gentlemen who successfully won special elections for the Democratic Party this fall and winter. And I want to wish them great success in their career as lawmakers.

Yesterday, Governor Ray outlined his plan for the new year. Several of his recommendations are commendable—we obviously support his recommendation to fully fund Title XX. Of course Democrats will support meaningful land use legislation. We've led the way in that area for years. The Governor knows that Democrats will support and work for safety and protection of our citizens, and a criminal justice system that will come closer to providing that security for our people that they so desperately need. No one will be surprised as Democrats who have led the way in the past support programs to prevent child abuse and programs to protect our older citizens. And we will continue to be the leaders in advocating improved funding for an education system which we are all proud of.

We see this election year that the Governor centerpieces his message with a call for no tax increase. But when the Democrats look at the State-of-the-State Address closely, we have to ask, "how does he plan to pay for the programs he called for?"

An analysis of the Governor's proposals shows the answer is clearly, "with a tax increase."—corporation tax increases; increases on gasohol, telephone calls, cable TV, increases in income taxes. We all know that that was simply election year rhetoric that brought the Governor to that kind of position.

It seems to us that this year is much too important simply to fall back on the old political rhetoric that served the Governor and the majority party for these last three years. It seems to us in light of "surprise-side" economics that it's important for this General Assembly to look beyond November and do what's right for the people of the state.

By "surprise-side" economics I mean "surprise"—net farm incomes as low as they were during the depression. "Surprise"—double digit unemployment in our cities. "Surprise"—our elderly citizens won't have mass transit to depend on in three years. "Surprise"—bankruptcy levels at a record rate in Iowa, manufacturing activity falling off rapidly. "Surprise"—World War II relics take the place of important social programs to protect our citizens. "Surprise"—the safety net gets smaller and smaller and

smaller daily. "Surprise"—we really weren't so concerned about those deficits after all. As a matter of fact, record high deficits of \$100 billion a year are now not nearly as important as they were last August, not nearly as important as they were in October of 1980. As a matter of fact, they really don't have any effect at all on inflation and on the well-being of our citizens. That's a real surprise coming from the mouth of the President.

But even greater in my surprise was to hear a Republican Governor in the state of Iowa with what he has always wanted — a Republican President and a Republican Senate — fail to even mention that our state and our local governments and our citizens are about to lose \$400 million in revenues and loans that they had anticipated and expected as recently as a year ago. He failed to even mention that small businessmen, family farmers and individuals in desperate need of help will receive \$204 million less in federal loans this year than they did last year. He failed to mention that the "surprise-side" programs we're hearing from Washington maintain the same regulations for our cities as far as safety inspections, health standards, clean water, clean air, but failed to fund those programs. He failed to mention that 10,000 students in this state in our higher education facilities aren't going to receive student loans.

It seems to me extremely important that this year, more than ever before, the General Assembly must act as a real legislature, a real body of the people representing the people, because I don't think the people expected those surprises. I don't think they voted for those surprises. Nor do I think they can afford those surprises. It's important for this body to recognize that it is short-sighted political rhetoric simply to say, "My budget won't raise property taxes" when the Governor knows, in fact, by not intervening, by not taking the responsibility that President Reagan asked us to take, that \$191 million in cuts to our cities and our counties and our state will in fact mean property tax increases if we don't do something about it.

It seems to me important that this General Assembly realize that our citizens didn't expect that safety net to dwindle further and further, that there are citizens in this state who are begging for work, begging for the opportunity to be employed, offering rewards for jobs, flocking to centers in Waterloo where they offer free cheese because they can't afford to eat cheese otherwise. It's very important that we go beyond political rhetoric and campaign speeches and try to find real work today for those people, not some phony kind of taxbreak that offers businessmen that can't afford the interest rates they have to pay an opportunity to have their property taxes reduced for new machinery that's out of reach because of "surprise-side" economics, real work that brings them an income so that they can afford to eat cheese rather than have it handed out.

Mr. Speaker, Ladies and Gentlemen, the Democratic minority in this body intends to cooperate fully with the members of the majority party as long as that cooperation goes both ways. You can't say one day, "we need your help, we need your hand, we need your cooperation" and then the next day, "we'll make the decisions in a closed caucus somewhere behind the chambers." If you want our help we will extend that help to you on a day-to-day basis as long as we're returned the same opportunity to really make decisions.

We wish you the best. We hope for our citizens that you think beyond this November. Do what's right. Make sure Iowans have a better opportunity than many of the citizens of this nation.

Again, you can count on our cooperation but make sure that cooperation goes on consistently throughout the year, not just when you're in a bind.

REMARKS BY THE MAJORITY LEADER

Pope of Polk addressed the House as follows:

Previous House majority leaders have used a common theme in their opening address to a reconvened General Assembly. They have called for dedication, hard work, and a spirit of bipartisanship.

I wish to reaffirm that tradition in my welcome to the House as it starts the 1982 Regular Session of the Sixty-ninth General Assembly.

As a House, we face many challenges during the coming weeks. There are problems, particularly economic ones, which are hurting the people of our state. Frankly, it is not difficult to identify these problems facing us. The difficult task is finding solutions for them.

The average citizen already knows that we have a fiscal crisis brought on by expanding needs and declining revenues. That citizen expects us to do more than recite a litany of financial problems. We are expected to make the necessary budget decisions to protect both the taxpayer and the recipient of needed state programs.

The average citizen knows that we are in a war with crime. We are expected to win it.

The average citizen knows that our state needs more jobs. Calling for more jobs is not enough. This legislature, this year, must have the courage to be willing to invest in meaningful tax incentives to promote a business climate that will actually create jobs.

These and other problems await the attention of all of us. They will not be solved if we sink into narrow party bickering or philosophical sloganeering. The job of government is harder than that. It actually does take dedication, hard work and a spirit of bipartisanship. I believe that this House possesses those qualities. It's time for the speeches to end. Let the work begin.

INTRODUCTION OF BILLS

House File 2034, by Anderson of Audubon, a bill for an act relating to state bank investment in bonds and notes issued by the Iowa family farm development authority.

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

House File 2035, by Daggett, Harbor, Schroeder, Pellett, Danker and Gross, a bill for an act relating to the valuation of agricultural land for property tax purposes by providing that it be based upon actual productivity and providing a January 1 effective date.

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

House File 2036, by Anderson of Audubon, a bill for an act to provide for the distribution of delinquent property tax receipts collected by the state department of transportation to the county treasurer of the county in which the property taxes are owed.

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

House File 2037, by Mann, a bill for an act requiring the election of members of the state board of public instruction, taking effect upon publication.

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

House File 2038, by Bruner, a bill for an act extending the tax reduction on older mobile homes to elderly and disabled mobile home owners.

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

House File 2039, by Clark of Lee and Spear, a bill for an act relating to reimbursement by the state of counties having correctional institutions for attorney fees and other costs of representation of inmates in certain postconviction proceedings, including provisions for reimbursement of costs incurred prior to the effective date of this act.

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

House File 2040, by Bennett, a bill for an act providing that property passing to the surviving spouse of a decedent is exempt from the inheritance tax, effective upon publication.

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

House File 2041, by Poffenberger, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

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

House File 2042, by Tyrrell, a bill for an act providing for a homestead credit for an individual who acquires ownership of a homestead during the year for which the homestead credit applies.

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

House File 2043, by Menke, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

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

House File 2044, by Welden, a bill for an act relating to standards of practice for registered nurses and licensed practical nurses.

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

House File 2045, by Anderson of Jasper, Swartz, Lloyd-Jones, Avenson, Hall, Norland, Lonergan, Dieleman, Gettings, Chiodo, Connors, Brandt, Sturgeon, Groth, Connolly, Jay, Walter, Carl, Byerly, Welsh, Binneboese, Arnould, Bruner, Sullivan, Jochum, Cochran, Davitt, O'Kane, Howell, and Halvorson of Webster, a bill for an act to appropriate moneys to the Iowa development commission for certain training programs.

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

House File 2046, by Clark of Cerro Gordo, a bill for an act relating to funding for the commission on professional and occupational regulation and making an appropriation.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 13, by committee on education, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the distribution of money subject to the support and maintenance of common schools.

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

Senate File 487, by committee on energy, a bill for an act allowing the operation of golf carts on the streets of cities.

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

HOUSE CONCURRENT RESOLUTION 103

By Gettings

- 1 *Whereas*, there are over 13,000 farmers in the state of
2 Iowa milking approximately 376,000 cows commercially; and
3 *Whereas*, there are approximately 4,108,000,000 pounds of
4 milk produced into milk, cheese, ice cream, butter, and other
5 dairy products each year in Iowa; and
6 *Whereas*, the daily recommended amounts of three servings
7 of milk products for children and two servings for adults
8 contain 71.6 percent of the daily recommended amount of calcium
9 and a great percentage of the daily recommended amounts of
10 protein, phosphorus, riboflavin, and vitamin B-12; and
11 *Whereas*, dairy products are one of the four basic food
12 groups; and
13 *Whereas*, the state of Iowa is the eighth most productive
14 state in the nation in terms of dairy products; *Now There-*
15 *fore,*
16 *Be It Resolved by the House of Representatives, the Senate*
17 *Concurring*, That milk be designated and known as the official
18 state beverage of Iowa.

Laid over under Rule 30.

SPONSORS ADDED

(House File 2030)

Trucano of Polk requested to be added as a sponsor of House File 2030.

(House File 2039)

McKean of Jones requested to be added as a sponsor of House File 2039.

COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on December 23, 1981 and is on file in the office of the Chief Clerk:

December 22, 1981

Mrs. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

In accordance with Section 25A.12, Code of Iowa 1979, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, settlements and judgments paid during 1981 by the State Appeal Board under Chapter 25A.

The attached report shows the name of each claimant, a brief description of each claim, the amount claimed and the amount approved.

Very truly yours,
RONALD F. MOSHER
State Comptroller

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

CHAPTER 25A GENERAL TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1981

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T-5988-69	Louis H. Woods Gold ring lost while in possession of officials at State Penitentiary.	\$ 450.00	\$ 100.00
T-6039-69	John P. Veit Payment for cost of leasing a vehicle while his was being repaired. Damaged by a resident of the Iowa Juvenile Home.	1,305.25 (\$529.55 previously approved 3-17-80 for damage to vehicle.)	575.70
T-6173-69	William Stephen Personal items missing when transferred by John Bennett Correctional Center.	102.30	50.00
T-6202-69	Thomas Allen Hahn Clothing stolen while in the State's custody.	250.00	30.00
T-6213-69	Phillip B. Cuevas Personal items lost while in custody of the State.	73.50	50.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T-6356-69	Michael Hatfield Stereo lost while in custody of officials at the State Penitentiary.	133.84	133.84
T-6403-69	Leslie Klouda Damage to clock by officials at Riverview Release Center.	35.00	35.00
T-6433-69	Russel R. Scovel Property lost while in custody of state officials.	60.00	60.00
T-6572-69	Aaron R. Burtchett TV missing on return to State Penitentiary.	110.00	110.00
TE-6573-69	Farm Bureau Mutual Insurance Company Damage to insured's car by an Air National Guard dump truck.	429.51	429.51
T-6586-69	Cyril P. Duff Damage to camper while stored at State Fair Grounds.	25.00	25.00
T-6623-69	Jimmy Battani Patient at Woodward State Hospital School ran into claimant's car with bicycle.	91.67	91.67
T-6723-69	Timothy G. Mills Medical expenses incurred from accident at Backbone State Park.	111.00	111.00
T-6797-69	Economics Laboratory, Inc. Soap dispenser destroyed by State Penitentiary.	473.00	473.00
T-6798-69	Lucile Dorothy Black Medical expenses incurred from fall at State Fair.	Undetermined	280.75
T-6801-69	Tina Patten Bicycle ran over by a University of Iowa truck.	96.26	96.26
T-6821-69	Tina Green Damages from fall at State Fair Grounds.	100.00	50.00
T-6822-69	David Schumacher Necklace lost at Mt. Pleasant Mental Health Institute.	12.00	12.00
T-6852-69	Jay Corbett Personal items stolen from his cell at the State Penitentiary.	208.49	100.00
T-6892-69	Alphonse H. Boge Money taken from his account at the State Penitentiary without his approval.	250.00	250.00
T-6864-69	111 South Summit Street Corp., Damages to their building by juveniles under guardianship of the DSS.	293.06	293.06

<u>Claim Number</u>	<u>Name of Claimant</u> <u>Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T-6896-69	Billie Lue Gregory Reimbursement for watch dropped by guard at State Penitentiary.	150.00	15.00
T-6908-69	H. Leslie Steeves Damage to eyeglasses by electric arm at parking lot at University of Iowa.	106.86	45.00
T-9646-69	Kenneth E. Newby Eyeglasses broken during training exercise at the training facility at Clarinda.	96.07	96.07
T-9667-69	Bartley C. Weller Reimbursement for clothing ruined by oil from a hose on a DOT tank.	142.00	75.00
T-9709-69	Kirk J. Ybarra Personal items lost while in custody of officials at the Men's Reformatory.	300.00	45.00
T-9748-69	Gordon Dorn Milk lost when ISU College of Veterinary Medicine officials failed to notify claimant that his cows had received antibiotics.	1,000.61	1,000.61
T-9749-69	Donald M. Smart, Sr. Reimbursement for watch that was damaged by a guard.	40.00	20.00
T-9760-69	Darlyne Mitchell Injured foot on ledge at the Jefferson Liquor Store.	153.80	153.80
T-9874-69	Jeffrey Dennis Ross Damage to car from rocks thrown from lawnmower at State Fair Grounds.	397.58	393.46
T-9877-69	Linn County Sheriff's Dept. Reimbursement for damages to dumbwaiter caused by an elevator inspector.	60.00	60.00
TE-9885-69	Sharon K. & Michael Vice Complications as a result of a 4th degree laceration received during childbirth.	Undetermined	3,600.00
T-9908-69	Teresa McClurg Personal items lost while at Mt. Pleasant MHI.	300.00	150.00
T-9953-69	Lois Naomi Pittman Damage to her car from emissions of the UNI Power Plant.	643.75	300.00
T-9983-69	John Errol Pierce Damage to car parked in State lot by snow removal tractor.	215.52	215.52
T-10107-69	John Preston Daggett Eyeglass lenses were partially melted when a fellow employee's screwdriver shorted on an electrical panel.	60.00	60.00
T-10108-69	Larry Gene Mathers Payment for damages to driveway and garage when patrol car caught on fire.	686.07	686.07

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T-10188-69	James M. Oerpping Corneal abrasion from an instrument used in examination at the University of Iowa Hospital.	4,000.00	1,550.00
T-10207-69	Ronald D. Hay Personal property lost while in possession of officials at the Men's Reformatory.	115.38	40.00
T-10231-69	Shelley Yvonne Love Eyeglasses were broken by a resident of Woodward State Hospital School.	98.00	50.00
T-10254-69	Mark Paul Vos Clothing lost while in possession of state employees.	142.50	70.00
T-10256-69	Terrence J. O'Hearn Personal property lost when transferred to Fort Madison from the John Bennett Unit.	483.55	200.00
T-10283-69	James H. Harter, Jr. Shirt lost by personnel at the Mt. Pleasant Medium Security Unit.	20.00	10.00
T-10333-69	Timothy Joseph Cox Unattended cart of boxes fell off the loading dock at University of Iowa Hospitals onto claimant's vehicle.	402.45	402.45
T-10346-69	Dale L. Barker Piece of conduit left on driveway of State Penitentiary punctured tire on claimant's vehicle.	75.45	15.00
T-10360-69	Wesley William Wiskus New pants were ripped by nail on under side of a table at the DOT Mason City Office.	35.00	35.00
T-10363-69	Marvin L. Bishop Camper was damaged at Palisades State Park by a lawnmower.	200.00	200.00
T-10368-69	Daniel F. Campbell Rock thrown by lawnmower at Mt. Pleasant MHI hit claimant's car.	57.26	57.26
T-10375-69	Karen K. Houseman Bicycle in bike rack at Woodward State Hospital School was damaged by lawnmower.	Undetermined	113.25
T-10470-69	Donald Novak Personal property lost during transfers between prison farms and main unit.	395.27	150.00
T-10487-69	Skunk River Farm Crops damaged by cattle belonging to Riverview Release Center.	235.00	235.00
T-10523-69	Elbert Wilson, Jr. Personal items lost by personnel at Fort Madison.	34.85	34.85

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T-10471-69	Millie Minhshui Chein Iowa City Damage to vehicle by parking gate at University of Iowa.	129.97	129.87
T-10606-69	Nola Schroeder Cedar Falls Personal property stolen from room at UNI when left unlocked by maintenance personnel.	18.00	18.00

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1981

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H-896-69-T	Michael F. Flannegan Damage to property from weed spray used nearby by the DOT.	\$40,000.00	\$ 499.74
H-906-69-T	Richard H. Cartens Damage to soybean crop from spraying of weeds in ditches by the DOT.	1,000.00	300.00
H-909-69-T	Stephen C. Smith Replace boots that were ruined by an edgerut machine on the job.	63.74	63.74
H-910-69-T	Ruth R. McKinney Medical expenses and damage to bicycle when front wheel of bicycle caught in a crack of bridge deck.	1,428.65	1,428.65
H-911-69-T	Brooxie Dean Damage to car incurred when claimant hit a hole at the end of a bridge.	135.93	135.93
H-980-69-T	Spencer A. Booth Costs to clean and repaint car that was covered with linseed oil from sealing a bridge.	485.78	300.00
H-1008-69-T	Albert Bertelson Crop loss from flooding caused by U.S. 20 bridge over Allen Creek.	2,959.40	2,959.40
H-1057-69-T	Daniel Thompson Damage to car by object thrown from hand mower on U.S. 63.	61.80	61.80
H-1114-69-T	Kail Brothers Crop damage from DOT spraying operation.	1,518.00	500.00
H-1123-69-T	Wayne Keller Clothing damaged by hot oil when bituminous distributor blew up.	40.00	40.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H-1142-69-T	Bernadine Shannon & Roger Tempus Corn lost as a result of siltation from DOT grading project.	1,132.20	540.00
H-1144-69-T	Jack D. Miller Damage to exhaust system and gas tank from expansion plate protruding on bridge.	235.02	235.02
H-1151-69-T	Daniel W. Ogren Damage to tire and wheel from expansion plate protruding on bridge.	Undetermined	73.09
H-1152-69-T	Matt Bauer Farms Corp. Trespass on property by the DOT's contractor and removal of more fill material from a borrow area than was planned.	3,500.00	3,000.00
H-1153-69-T	Robert G. Petersen Auto damage caused by road sign blown into traffic lane.	115.78	115.78
H-1154-69-T	Daniel L. Birch Car damage from road oil on Hwy 141.	135.00	135.00
H-1155-69-T	Rosemary Elizabeth Hillers Car window broken by rock thrown by DOT machinery.	48.10	48.10
H-1174-69-T	George Franklin McNeas Fence damaged by DOT grading project personnel.	177.94	62.28
H-1180-69-T	Lucius B. Liddy Fruit trees damaged when DOT sprayed road ditch along Hwy 6.	600.00	50.00
H-1181-69-T	Claude E. Chapman Fruit trees damaged by herbicide used by DOT adjacent to claimant's property.	400.00	185.00
H-1187-69-T	Katherine C. McDonough Paint splattered on car by DOT painting crew.	177.16	177.16
H-1188-69-T	Rita Kaye Charlson Car damaged by blacktop thrown on Hwy 69.	500.00	443.34
H-1201-69-T	Richard A. Sulsberger Tractor and pickup tires damaged by rerod sticking out of concrete.	362.25	362.25
H-1210-69-T	Henry Harnisch Car damaged when DOT sign blew over.	260.64	260.64

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H-1212-69-T	Bernard G. Kisner Damage to trees from DOT spraying in a nearby ditch.	Undetermined	5,065.86
H-1213-69-T	Hillis Eugene Hampton Property damage due to flooding during construction of I-380.	387.63	387.63
H-1226-69-T	Kenneth L. Crees Property damage from flooding during construction of Hwy 44.	2,500.00	2,500.00
H-1235-69-T	Wayne D. Borchering Acre of soybeans destroyed by Dow Tordon 2 K pellets spread along I-35.	324.00	324.00

CHAPTER 25A -- TORT CLAIMS
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL -- 1981

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-4686-68	Duane Jaeger Personal Injury & Property Damages (Judgment)	\$ 455,707.61	\$ 34,000.00
TE-5550-68	Gerald Robinson Property Damage (Settlement)	10,000.00	4,000.00
T-3754-67	Otto G. Zadow Personal Injury (Settlement)	500,000.00	40,000.00
T-4891-68	Kathryn M. Galles Personal Injury (Settlement)	12,000.00	1,750.00
T-6116-69	Timothy LeClair Personal Injury (Settlement)	100,000.00	5,750.00
T-6117-69	William G. & Delores LeClair Personal Injury (Settlement)	10,000.00	1,500.00
TE-4987-68	Richard Forkner Personal Injury	80,000.00	37,750.00
T-4988-68	Richard Forkner Personal Injury	80,000.00	
TE-4989-68	Richard Forkner as next best friend of Ty Michael Alan Forkner Personal Injury	80,000.00	
T-4990-68	Richard Forkner as next best friend of Ty Michael Alan Forkner Personal Injury (Settlement)	80,000.00	
TE-5067-68	James E. Corrigan Personal Injury (Settlement)	10,000.00	

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
T-5133-68	Laurie Marie Rinzler Personal Injury (Settlement)	25,000.00	1,000.00
T-6074-69	Gary John Moe Property Damage (Settlement)	1,743.50	250.00
T-5775-68	Sharon E. Cook Personal Injury (Settlement)	135,000.00	34,500.00
T-4897-68	Dennis P. McGowan Personal Injury (Settlement)	20,000.00	1,250.00
T-9848-69	Vickie L. Phipps Personal Injury (Settlement)	4,000.00	3,000.00
T-9850-69	Susan R. Darling Personal Injury (Settlement)	6,500.00	3,000.00
T-9849-69	Barbara I. Phipps Personal Injury (Settlement)	3,500.00	2,000.00
H-561-68-T	Estate of Eddie Ways, Jr. Personal Injury (Settlement)	700,000.00	15,000.00
H-562-68-T	Marva L. Ways Personal Injury (Settlement)	3,500,000.00	350,000.00
H-577-68-T	Willard James Personal Injury	50,000.00	6,000.00
H-578-68-T	Willard James Personal Injury	150,000.00	
H-579-68-T	Carolyn Jeanette James Personal Injury (Settlement)	75,000.00	
H-372-67-T	Darrell Keith Reynolds Property Damage (Settlement)	2,725.00	2,000.00
H-617-68-T	Delmont Charles Webster (Warrant issued to Edgar F. Delp and Deborah Delp) Personal Injury (Settlement)	30,000.00	500.00
H-755-68-T	Edward E. & Wilma L. Watkins Property Damage (Settlement)	2,379.88	1,680.88
H-902-69-T	Edward L. Block Property Damage (Settlement)	83.79	40.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
H-725-68-T	Donald A. Freiburger, Exec. of the Estate of Patricia Anne Freiburger Wrongful Death (Settlement)	500,000.00	225,000.00
H-395-67-T	Roy Elis Erickson Personal Injury (Settlement)	300,000.00	4,000.00
H-825-69-T	Ann Marie Peterson Personal Injury	500,000.00	5,000.00
H-826-69-T	James Charles Peterson Personal Injury	50,000.00	
H-827-69-T	Anne Marie Peterson & James Charles Peterson as parents of Matthew Peterson Personal Injury	2,500.00	
H-828-69-T	Matthew Peterson, a minor Personal Injury (Settlement) (Warrant issued to Hawkeye-Security Insurance Co.)	2,500.00	
H-803-68-T	Merna L. Dobbs Wrongful Death (Settlement)	250,000.00	6,000.00
H-905-69-T	Verdell Charles Fossum Personal Injury & Property Damage (Settlement)	1,000.00	285.00
H-626-68-T	Charles A. Martin Peggy Martin Personal Injury (Settlement)	200,000.00	150,000.00 5,000.00
H-536-68-T	Gary Wandling Personal Injury & Property Damage (Settlement)	25,000.00	7,500.00
H-314-67-T	Franklin County, Iowa (Warrant issued to Paul Schutt) Personal Injury (Settlement)	150,000.00	1,500.00
H-997-69-T	Charles W. Feld Larry R. Feld Agnes Wiedemeyer Property Damage (Settlement)	2,880.00	400.00 400.00 400.00
H-610-68-T	Louis Schuler, Jr. Personal Injury (Settlement)	15,278.00	3,500.00
H-1150-69-T	Mobile & Casualty Underwriters Property Damage & Personal Injury (Settlement)	19,957.50	5,500.00
H-1026-69-T	Bonnie Armstrong, Exec. of Estate of William R. Armstrong Wrongful Death & Property Damages (Settlement)	762,913.75	5,000.00
T-6069-69	Kathryn M. Fox Personal Injury (Settlement)	10,000.00	6,000.00

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on December 23, 1981 and is on file in the office of the Chief Clerk:

December 22, 1981

Mrs. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 34 claims of a general nature that have been denied by the State Appeal Board during the year 1981.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Very truly yours,
MAURICE E. BARINGER
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

OFFICE STATE COMPTROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
9654-69-25	Samuel W. Wiley Des Moines, Iowa Reimbursement of Medicare payments paid by himself rather than by the State.	\$78.30	Disapproved
9921-69-25	Merle F. Hennessey Cedar Rapids, Iowa Recover 3.6% withheld on installment payment of a Public Improvement Certificate.	10.29	Disapproved
9955-69-25	Lewis A. James Des Moines, Iowa Outdated expense claim.	44.50	Disapproved
9966-69-25	Bruce Steffens, M.D. Rock Island, Illinois Outdated invoice for a missed con- sultive exam.	35.00	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
9968-69-25	Felix W. Dotzler Harlan, Iowa Accrued sick leave reimbursement.	2,000.00	Disapproved
9979-69-25	Penny Rae Corrigan Aurora, Colorado Vehicle registration refund for 1978.	Undetermined	Disapproved
9988-69-25	Cedar Rapids Hide & Fur Cedar Rapids, Iowa Recover 3.6% withheld on installment payment of a Public Improvement Certificate.	6.94	Disapproved
9990-69-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated invoice for medical care provided to a Clarinda MHI patient.	146.63	Disapproved
10002-69-25	Burlington Medical Center Burlington, Iowa Outdated Title XIX invoice.	534.45	Disapproved
10021-69-25	Anesthesia, Inc. P.C. Burlington, Iowa Outdated Title XIX invoice.	137.50	Disapproved
10072-69-25	Treasurer of the United States Grimes, Iowa Payment for items missing from inventory of Iowa National Guard.	3,000.96	Disapproved
10080-69-25	Spencer Ready Mix, Inc. Spencer, Iowa Fuel tax refund.	121.21	Disapproved
10084-69-25	Lynn L. Sheriff Sheffield, Iowa License refund.	73.00	Disapproved
10132-69-25	Wood's Truck Equipment Inc. Tipton, Iowa License refund.	337.65	Disapproved
10151-69-25	Irwin Farm Supply, Inc. Tipton, Iowa License refund.	337.65	Disapproved
10175-69-25	Alan N. Lannholm Marshalltown, Iowa Registration fee refund.	12.00	Disapproved
10178-69-25	Perkins Trenching Indianola, Iowa Registration fee refund.	10.00	Disapproved
10186-69-25	Jasperson Trucking Kingsley, Iowa Prorate refund.	306.37	Disapproved
10203-69-25	Mercy Hospital Davenport, Iowa Billing for medical services to prisoner on work release program.	450.88	Disapproved

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
10216-69-25	CRST, Inc. Cedar Rapids, Iowa Fuel tax refund.	13,968.02	Disapproved
10236-69-25	Witte Transportation Company St. Paul, Minnesota Prorate refund.	Undetermined	Disapproved
10237-69-25	Iowa State Industries Anamosa, Iowa Reimbursement of accounts receivable.	51,530.81	Disapproved
10273-69-25	Ruby Lucille Hall Glenwood, Iowa Unused sick leave reimbursement.	2,000.00	Disapproved
10316-69-25	Jeffrey K. Ames Cleghorn, Iowa Registration refund.	15.00	Disapproved
10340-69-25	David Lawrence Thomas Des Moines, Iowa Outdated billing.	49.00	Disapproved
10341-69-25	Ervin Dale Sorenson Alta, Iowa Real Estate Transfer Tax refund.	454.85	Disapproved
10365-69-25	Albert D. Blenderman, M.D. Sioux City, Iowa Medical services provided to a Title XIX recipient.	491.00	Disapproved
10397-69-25	Albert Eugene Steinbach Schenectady, New York Registration refund.	27.50	Disapproved
10426-69-25	Roma Reynolds/Commonwealth Care Center Des Moines, Iowa Outdated medical services billing. Title XIX recipient.	1,116.00	Disapproved
10443-69-25	Allen Memorial Hospital Waterloo, Iowa Outdated Title XIX billing.	75.00	Disapproved
10500-69-25	Allen Memorial Hospital Waterloo, Iowa Outdated Title XIX billing.	35.70	Disapproved
10505-69-25	Dean Richard Piltingsrud Des Moines, Iowa License refund.	6.50	Disapproved
10525-69-25	John William Sauer (Dec'd) c/o Velma Jane Sauer Urbandale, Iowa Accrued sick leave.	2,000.00	Disapproved
10682-69-25	Harrison Hedgecock Mason City, Iowa Outdated claim for WW II Service Compensation bonus.	Undetermined	Disapproved

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 510 Ways and Means**

Relating to the state income and franchise taxes updating references to the internal revenue code and making certain provisions of the act retroactive.

S.B. 511 Judiciary and Law Enforcement

Amending the schedule of controlled substances.

S.B. 512 State Government

Removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

S.B. 513 State Government

Relating to requirements for real estate brokers.

S.B. 514 Education

Relating to the hours of laboratory instruction required for completion of a driver education course.

S.B. 515 State Government

Providing technical corrections to chapter 1, Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, concerning congressional and legislative redistricting effective for the 1982 general election.

S.B. 516 Human Resources

Authorizing specified professionals to dispense and issue prescription drugs and controlled substances and to delegate nonjudgmental dispensing functions, providing a penalty and a presumption of negligence.

On motion by Pope of Polk, the House adjourned at 9:31 a.m., until 9:00 a.m., Thursday, January 14, 1982.

JOURNAL OF THE HOUSE

Fourth Calendar Day—Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 14, 1982

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

Prayer was offered by the Reverend James D. Cobb, pastor of the First United Presbyterian Church, Denison.

The Journal of Wednesday, January 13, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gross of Ringgold on request of Pellett of Cass, and Hansen of O'Brien on request of Pope of Polk.

HOUSE FILES 4 AND 57 WITHDRAWN

Spear of Lee asked and received unanimous consent to withdraw House Files 4 and 57 from further consideration by the House.

HOUSE FILE 584 WITHDRAWN

Smalley of Polk asked and received unanimous consent to withdraw House File 584 from further consideration by the House.

HOUSE FILE 813 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 813 from further consideration by the House.

RULE 61 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 61 regarding committee notices and agendas for Monday, January 18, 1982.

INTRODUCTION OF BILLS

House File 2047, by Corey, a bill for an act providing for a taxable valuation of fifty dollars per acre on forest and fruit-tree reservations.

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

House File 2048, by McKean, a bill for an act relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

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

House File 2049, by Spear, a bill for an act to declare multiflora rose a primary rather than a secondary noxious weed.

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

House File 2050, by Crabb, a bill for an act relating to immunity from inmate lawsuits.

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

House File 2051, by Halvorson of Clayton, a bill for an act relating to the jurisdiction to hear license revocations following conviction, and availability of deferred sentences and judgements for violations of section 321.281.

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

House File 2052, by Daggett, a bill for an act prohibiting the delivery on account of any order for the payment of money if the

drawer of the order knows that the order will not be paid when presented, and providing penalties.

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

House File 2053, by Arnould, a bill for an act requiring public utilities who sell natural gas to issue and hold in trust for the benefit of their customers shares of common stock that are equal in value to amounts paid by those customers toward the financing of the Alaska natural gas pipeline, and providing for the distribution of these shares upon certain conditions.

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

House File 2054, by Poffenberger, a bill for an act relating to the procedures for electing judicial nominating commissioners.

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

House File 2055, by Hummel, a bill for an act declaring shatter-cane (sorghum bicolor) a secondary noxious weed.

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

House File 2056, by Poffenberger, a bill for an act to exclude sales of beer and liquor from the gross sales of food service establishments when used to set license fees.

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

House File 2057, by Poffenberger, a bill for an act relating to contributions after twenty-five or thirty years of service under the Iowa public employees' retirement system.

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

House File 2058, by Menke, a bill for an act providing for automatic election of school officers under certain circumstances.

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

SPONSOR ADDED (House File 2035)

Petrick of Linn requested to be added as a sponsor of House File 2035.

STANDING COMMITTEE APPOINTMENTS

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

Branstad, Clifford — Committee on Transportation, Vice-chair

Rosenberg, Ralph — from Committee on Transportation to Committee on Education.

APPOINTMENT OF COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS STANDING SUBCOMMITTEES

Egenes of Story, chair of the committee on Labor and Industrial Relations, announced the appointment of the following standing subcommittees of the committee on Labor and Industrial Relations.

Unemployment Study Bill Subcommittee

Halvorson of Clayton, Chair
Diemer, Poncy

Workers' Compensation Study Bill Subcommittee

Hummel, Chair
Smalley, Jochum

ASSIGNMENT OF SEATS IN PRESS GALLERY

The following named persons are accredited members of the press and are entitled to seats in the West Press Gallery:

WEST PRESS GALLERY

The Cedar Rapids Gazette	Judy Daubenmier, Ken Sullivan
Quad-City Times	Mike Owen
Iowa Daily Press Association	Harrison Weber, Peggy Anderson, Doug Hock
United Press International	Charles J. Abbott, Tamara Henry, Tom Peterson

Des Moines Register	David Yepsen, Charles Bullard, Diane Graham, James Flansburg
Des Moines Tribune	Tom Witosky, Dewey Knudson, Dick Brown, Dave Elbert
The Associated Press	Mike Glover
Dubuque Telegraph Herald	Roxie Hammill
Waterloo Courier	Bob Case
Iowa AFL-CIO News	Mark Belkin
Iowa Press Association	Bill Monroe
Iowa Legislative News Service	Jo Von Stein, Kathleen Kelly
AFSCME Public Employee News	Larry Scarpino

The following named persons represent accredited TV and radio stations and are entitled to seats in the East Press Gallery:

EAST PRESS GALLERY

KCCI-TV	Brooks Humphreys, Dave Busiek, Mark Swanson, David Warner, Craig Parsons, Michele Burgad, John Houghton
WHO Radio	Bill Brewer, Larry Cotlar, Steve Oswalt, Lore McManus, George A. Clark, Mike Lee
KWWL-TV	Tisha Gray, Larry Mundt
KRNT/KRNQ Radio	Julie Rutz, Dan McPherson
WOI AM-FM Radio	Pamel Drum, John Dougan
WMT Radio News	Christy Cobb, Jim Boyd
Iowa Public Broadcasting Network	Dan Miller, Sara Frasher, Nancy Crowfoot, Linda Wright, Carl Zahari, Mark Braun, Sid Sprecher
Iowa Radio Network	C. Ross Martin, Ed Kintzer, Sandy Hall
WSUI - Iowa City	Barry Waters
WOI-TV	Blake A. Bruner, Marsha Cady, Joann Merrigan

COMMUNICATION RECEIVED

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

IOWA RAILWAY FINANCE AUTHORITY

The Iowa Railway Finance Authority Policy, pursuant to Section 307B.8, Subsection 2, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 517 Judiciary and Law Enforcement

Relating to substance abuse commitment procedures including allegations in a petition for involuntary commitment of substance abusers, and appointment of an attorney for a petitioner to present evidence at a substance abuse commitment hearing.

S.B. 518 Commerce

Relating to the regulation of insurance companies.

S.B. 519 Commerce

Authorizing and regulating the sale of real property title insurance and requiring that a complete and current abstract of title of the real property be furnished to the buyer of the property within sixty days of delivery of the policy and providing a penalty, to take effect upon adoption of rules by the department of insurance.

S.B. 520 Agriculture

Relating to permanent soil and water conservation practices.

S.B. 521 Agriculture

Relating to the regulation of persons engaged in the marketing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date.

S.B. 522 Agriculture

Relating to the implementation of plans and rules of soil conservancy districts.

S.B. 523 Judiciary and Law Enforcement

Relating to the imposition of a tax on illegal transactions, providing penalties, and making an appropriation.

SUBCOMMITTEE ASSIGNMENTS

House File 6 (Reassigned)

Commerce: Schnekloth, Chair; Smith and Welsh.

House File 20 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen and Chiodo.

House File 24 (Reassigned)

Commerce: Renken, Chair; Hoffmann-Bright and Rapp.

House File 36

Labor and Industrial Relations: Conlon, Chair; Johnson of Linn and Sturgeon.

House File 51 (Reassigned)

Commerce: Holt, Chair; Hummel and Jochum.

House File 54 (Reassigned)

Commerce: Shull, Chair; Smith and Sturgeon.

House File 65 (Reassigned)

Commerce: Egenes, Chair; Halvorson of Clayton and Halvorson of Webster.

House File 84

Labor and Industrial Relations: Smalley, Chair; Mann and Connors.

House File 92 (Reassigned)

Commerce: Hoffmann-Bright, Chair; Smith and Woods.

House File 105 (Reassigned)

Commerce: Johnson of Linn, Chair; Chiodo and Hoffmann-Bright.

House File 106

Natural Resources: Hanson of Delaware, Chair; Petrick and Jay.

House File 114

Natural Resources: Tofte, Chair; Anderson of Audubon and Norland.

House File 128 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 144

Natural Resources: Hanson of Delaware, Chair; Hall and Cook.

House File 148 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 151

Natural Resources: Pellett, Chair; Bennett and Norland.

House File 161 (Reassigned)

Commerce: Schnekloth, Chair; Johnson of Linn, Chiodo, Woods and Hansen of O'Brien.

House File 176 (Reassigned)

Commerce: Hummel, Chair; Hoffmann-Bright and Woods.

House File 177 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 226

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 246 (Reassigned)

Agriculture: Corey, Chair; Stueland and Halvorson of Webster.

House File 253 (Reassigned)

Commerce: Schnekloth, Chair; Hoffmann-Bright and Jochum.

House File 254 (Reassigned)

Commerce: Johnson of Linn, Chair; Chiodo, Bruner, Smith and Swearingen.

House File 274 (Reassigned)

Commerce: Johnson of Linn, Chair; Chiodo, Bruner, Smith and Swearingen.

House File 287 (Reassigned)

Commerce: Hummel, Chair; Renken and Sturgeon.

House File 288 (Reassigned)

Commerce: Johnson of Linn, Chair; Chiodo, Bruner, Smith and Swearingen.

House File 298 (Reassigned)

Commerce: Hummel, Chair; Smith and Halvorson of Webster.

House File 300 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 301 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hansen of O'Brien and Halvorson of Webster.

House File 305 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 310 (Reassigned)

Natural Resources: Smalley, Chair; Van Maanen, Cochran, Lloyd-Jones, Pellett, Hall and Stueland.

House File 311 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 312 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 319 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 333 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 343 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 356 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 357

Natural Resources: Cook, Chair; Stueland and Jay.

House File 363

Natural Resources: Tyrrell, Chair; Petrick and Hall.

House File 368 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 377 (Reassigned)

Agriculture: Corey, Chair; Stueland and Halvorson of Webster.

House File 406 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 408 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 417 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 419 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 439 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 449 (Reassigned)

Commerce: Hoffmann-Bright, Chair; Rapp and Smith.

House File 463 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 491 (Reassigned)

Commerce: Smith, Chair; Egenes and Halvorson of Webster.

House File 494 (Reassigned)

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Chiodo.

House File 525 (Reassigned)

Commerce: Renken, Chair; Holt and Swartz.

House File 549

Natural Resources: Tyrrell, Chair; Hanson of Delaware and Hall.

House File 563 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hoffmann-Bright and Woods.

House File 564

Natural Resources: Stueland, Chair; Pellett and Jay.

House File 581 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 600 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 612

Natural Resources: Cook, Chair; Hanson of Delaware and Norland.

House File 618 (Reassigned)

Commerce: Johnson of Linn, Chair; Schroeder and Woods.

House File 639

Natural Resources: Tyrrell, Chair; Stueland and Hall.

House File 645 (Reassigned)

Commerce: Hummel, Chair; Renken and Rapp.

House File 657 (Reassigned)

Commerce: Hansen of O'Brien, Chair; Holt and Sturgeon.

House File 659

Natural Resources: Pellett, Chair; Bennett and Norland.

House File 660 (Reassigned)

Commerce: Egenes, Chair; Halvorson of Webster and Hoffmann-Bright.

House File 663 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 664 (Reassigned)

Transportation: Lind, Chair; Gettings and Lageschulte.

House File 671 (Reassigned)

Commerce: Hummel, Chair; Smith and Halvorson of Webster.

House File 678 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 695 (Reassigned)

Commerce: Hansen of O'Brien, Chair; Holt and Sturgeon.

House File 698 (Reassigned)

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 701 (Reassigned)

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 723 (Reassigned)

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Chiodo.

House File 814

Commerce: Hoffmann-Bright, Chair; Swearingen and Bruner.

House File 832

Commerce: Shull, Chair; Smith and Jochum.

House File 2001

State Government: Harbor, Chair; Anderson of Audubon and Fey.

House File 2002

Transportation: Pellett, Chair; Binneboese and Holt.

House File 2004

State Government: Tofte, Chair; Hoffmann-Bright and Chiodo.

House File 2010

Transportation: Branstad, Chair; Groth and Schroeder.

House File 2012

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 2013

Transportation: Danker, Chair; Lageschulte and Pavich.

House File 2018

Education: Menke, Chair; Krewson and Horn.

House File 2021

State Government: Clark of Cerro Gordo, Chair; Crabb and Lloyd-Jones.

House File 2022

State Government: Anderson of Audubon, Chair; Trucano and Anderson of Jasper.

House File 2024

State Government: Hoffmann-Bright, Chair; Hanson of Delaware and Dieleman.

House File 2025

State Government: Carpenter, Chair; Clark of Cerro Gordo and Doderer.

House File 2026

State Government: Lageschulte, Chair; Arnould and Smith.

House File 2027

Natural Resources: Tofte, Chair; Tyrrell and Jay.

House File 2028

Natural Resources: Tofte, Chair; Hanson of Delaware and Connolly.

House File 2029

State Government: Clark of Cerro Gordo, Chair; Crabb and Lloyd-Jones.

House File 2032

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

House File 2034

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Chiodo.

Senate File 216

Agriculture: Corey, Chair; Stueland and Halvorson of Webster.

Senate File 254 (Reassigned)

Commerce: Smith, Chair; Hummel and Woods.

Senate File 256 (Reassigned)

Commerce: Johnson of Linn, Chair; Schroeder and Woods.

Senate File 294

Natural Resources: Petrick, Chair; Diemer and Jay.

Senate File 308

Commerce: Halvorson of Clayton, Chair; Woods and Hummel.

Senate File 322

Natural Resources: Hanson of Delaware, Chair; Cook and Groth.

Senate File 452

Natural Resources: Tyrrell, Chair; Anderson of Audubon and Hall.

Senate File 487

Transportation: Holt, Chair; Pellett and Woods.

Senate File 501

Natural Resources: Tyrrell, Chair; Cook and Jay.

Senate File 509 (Reassigned)

Commerce: Schroeder, Chair; Johnson of Linn, Chiodo, Schneklath and Jochum.

Senate File 539

Labor and Industrial Relations: Hummel, Chair; Smalley and Jochum.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 128**

Ways and Means: Ritsema, Chair; Poffenberger and Rapp.

Study Bill 190

Natural Resources: Stueland, Chair; Pellett and Jay.

Study Bill 191

Natural Resources: Stueland, Chair; Pellett and Jay.

Study Bill 227

Natural Resources: Tyrrell, Chair; Cook and Jay.

Study Bill 236

Ways and Means: Hanson of Delaware, Chair; McKean and Connolly.

Study Bill 255

Natural Resources: Smalley, Chair; Van Maanen, Cochran, Lloyd-Jones, Pellett, Hall and Stueland.

Study Bill 506

Education: Johnson of Woodbury, Chair; Ritsema and Anderson of Jasper.

Study Bill 507

Education: Carpenter, Chair; Holt and Carl.

Study Bill 510

Ways and Means: Shull, Chair; Schnekloth and Norland.

Study Bill 512

State Government: Clark of Cerro Gordo, Chair; Hoffmann-Bright, Tofte, Lloyd-Jones and Chiodo.

Study Bill 513

State Government: Clark of Cerro Gordo, Chair; Hoffmann-Bright, Tofte, Lloyd-Jones and Chiodo.

Study Bill 516

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

Study Bill 520

Agriculture: Cook, Chair; Anderson of Audubon and Sullivan.

Study Bill 521

Agriculture: De Groot, Chair; Bennett and Dieleman.

Study Bill 522

Agriculture: Anderson of Audubon, Chair; Pellett and Cochran.

Study Bill 526

Education: Mann, Chair; Johnson of Howard and Poney.

Study Bill 527

County Government: Renken, Chair; Schroeder, Branstad, Oxley and Hall.

Study Bill 528

County Government: Pelton, Chair; Swartz and Hansen of O'Brien.

Study Bill 529

County Government: Schroeder, Chair; Walter and Renken.

Study Bill 530

County Government: Pelton, Chair; Oxley and Branstad.

Study Bill 531

County Government: Schroeder, Chair; Gettings and Johnson of Linn.

Study Bill 532

County Government: Gross, Chair; Binneboese and Clark of Cerro Gordo.

Study Bill 533

County Government: Clark of Lee, Chair; Pelton, Renken and Running.

Study Bill 534

County Government: Branstad, Chair; Howell and Hansen of O'Brien.

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
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly House File 814, as amended), relating to motor fuel tests.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENT FILED

H-5001

H.F. 2020

Johnson of Linn

On motion by Pope of Polk, the House adjourned at 9:11 a.m., until 10:00 a.m., Monday, January 18, 1982.

JOURNAL OF THE HOUSE

Eighth Calendar Day — Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 18, 1982.

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

Prayer was offered by Father Robert Fangman, pastor of the Sacred Heart Catholic Church, Manilla.

The Journal of Thursday, January 14, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Timothy J. Vermillion, Des Moines.

PETITION FILED

The following petition was received and placed on file:

By Spear of Lee, from seven hundred forty citizens of southeast Iowa petitioning the governor and the legislature to remove the Department of Social Services from any responsibility in the management of the Iowa State Penitentiary and restore the management and control of the penitentiary to the warden.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton on request of Krewson of Polk; Miller of Buchanan, for the week of January 18, 1982, on request of Gettings of Wapello.

INTRODUCTION OF BILLS

House File 2059, by committee on commerce, a bill for an act relating to motor fuel tests.

Read first time and placed on the calendar.

House File 2060, by Avenson, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

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

House File 2061, by Trucano, a bill for an act relating to reinstatement to classified service of state employees whose positions are exempted, and making its provisions retroactive.

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

House File 2062, by Brandt and Diemer, a bill for an act providing that where a change of venue is found to be necessary in the trial of a public offense, a jury may be impaneled in and transferred from another county instead of transferring the trial to another county, and providing a July 1, 1983, effective date.

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

House File 2063, by Mullins, a bill for an act to prohibit the dissemination of false statements regarding candidates for office or ballot issues and providing a civil penalty.

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

House File 2064, by Egenes, a bill for an act establishing the penalties of death or life imprisonment for murder committed in conjunction with robbery, and prescribing procedures therefor, and providing a January 1 effective date.

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

House File 2065, by Schroeder, a bill for an act relating to the jurisdiction of the juvenile court in proceedings concerning a child who is alleged to have committed an aggravated misdemeanor or felony.

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

House File 2066, by Shull, a bill for an act relating to access to students and student directory information by representatives of military forces.

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

House File 2067, by Shull, a bill for an act to change the procedures relating to failure to renew a license issued by the board of accountancy.

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

House File 2068, by Oxley, a bill for an act relating to the compensation of township clerks.

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

House File 2069, by Schroeder, a bill for an act relating to the liability of governmental entities for harm resulting from damaged or obstructed highways.

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

House File 2070, by Crabb, a bill for an act abolishing the office for planning and programming and reassigning certain duties to other agencies.

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

House File 2071, by Diemer, Johnson of Howard, Shull, Lageschulte, Pellett, Sullivan, Hall, Cochran, Holt, Stueland, Bennett, Renken and Lind, a bill for an act to protect farms and farm operations from nuisance actions.

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

House File 2072, by Crabb, a bill for an act providing that certain farms and farming operations are not public or private nuisances.

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

House File 2073, by Shull, a bill for an act to allow the payment of the sales, services, and use taxes in installments if the gross receipts of the sale exceed one hundred thousand dollars.

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

House File 2074, by Welden, a bill for an act denying bail to defendants who are appealing a conviction of a class "B" felony and who have been previously convicted of another felony.

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

House File 2075, by Daggett, a bill for an act striking the requirement that the state transportation commission issue sufficiency ratings for government-owned airports.

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

House File 2076, by Johnson of Linn, a bill for an act relating to the access of a spouse to the medical records of a mental health patient.

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

House File 2077, by Hall, a bill for an act to set the time for the harvesting of wild ginseng.

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

House File 2078, by O'Kane, a bill for an act relating to investment of moneys of police and fire retirement systems under chapter 411.

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

House File 2079, by Johnson of Linn, a bill for an act relating to the revocation of a drivers license of a person ordered to complete a school for drinking drivers.

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

COMMUNICATION FROM THE GOVERNOR

The following is a copy of a Proclamation received from the Governor on January 15, 1982:

STATE OF IOWA

Executive Department

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

Proclamation

Whereas, the office of State Representative from the 84th Representative District, consisting of the following areas:

A. Tama township.

B. That portion of the city of Burlington not included in representative districts eighty-three and eighty-five.

C. That portion of the city of West Burlington not included in representative district eighty-three.

has become vacant by the reason of the resignation by Representative Larry Kirkenslager.

Now, Therefore, I, Robert D. Ray, Governor of the State of Iowa, by virtue of the authority in me vested by law do hereby proclaim and direct that a special election to fill said vacancy shall be held within said district on

Tuesday, The Twenty-Sixth Day of January, 1982, A.D.

Wherefore, all electors within said 84th Representative District will take due notice and the County Commissioner of Elections of each county will take official notice as provided in Chapter 39, Code of Iowa, 1981.

(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 14th day of January in the year of our Lord one thousand nine hundred eighty-two.

ROBERT D. RAY
Governor

Attest:

HARRY DAVIS
Deputy Secretary of State

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following change in appointments to a standing committee of the House:

Petrack, George — Committee on Education

SPONSORS ADDED
(House File 2015)

Petrack of Linn requested to be added as a sponsor of House File 2015.

(House File 2015)

Hall of Linn requested to be added as a sponsor of House File 2015.

(House File 2015)

Running of Linn requested to be added as a sponsor of House File 2015.

(House File 2051)

Dieleman of Marion requested to be added as a sponsor of House File 2051.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 15, 1982 and is on file in the office of the Chief Clerk.

January 14, 1982

Mrs. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 5 claims of a general nature. This supplements our filing of December 22, 1981.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very Truly Yours,
MAURICE E. BARINGER
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

OFFICE STATE COMPTROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
10515-69-25	Comprehensive Systems, Inc. Charles City, Iowa Outdated Title XIX claims	\$746.59	Disapproved
10558-69-25	Leo A. Dvorksy Oelwein, Iowa Medical transportation claim	687.60	Disapproved
10597-69-25	Mary Josephine West Tempe, Arizona Registration refund	19.25	Disapproved
10618-69-25	Wilden Clinic Des Moines, Iowa Outdated Title XIX claim	114.00	Disapproved
10642-69-25	Midwest Intercity Ambulance Sioux City, Iowa Outdated Title XIX claim	448.75	Disapproved

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk.

DEPARTMENT OF SOCIAL SERVICES

A report entitled "Centralized Inmate Classification System Report.", pursuant to Chapter 11, Section 3, subsection 7 of the Acts of the Sixty-ninth General Assembly.

A report entitled "County Workfare", pursuant to Chapter 7, Section 8 of the Acts of the Sixty-ninth General Assembly.

A report entitled "Funding Mechanism for Community-Based Mental Health and Mental Retardation Services", pursuant to Chapter 11, Section 7 of the Acts of the Sixty-ninth General Assembly.

STATE BOARD OF REGENTS

The State Board of Regents Ten-Year Building Program, 1981-1991, pursuant to Chapter 262A.3, Code of Iowa.

UNIFORM STATE LAWS COMMISSION

The Annual Report of the Uniform State Laws Commission, pursuant to Section 5.4, Code of Iowa.

The following communication was received on January 18, 1982 and is on file in the office of the Chief Clerk.

DEPARTMENT OF HEALTH

A report to the Iowa General Assembly regarding Homemaker Home Health Aid Service, pursuant to House File 851 and Senate File 566, Sixty-ninth General Assembly, 1981 Session.

The following communication was received on January 15, 1982 and is on file in the office of the Chief Clerk.

DEPARTMENT OF TRANSPORTATION

An administrative rule-pertaining to the operation of 65-foot twin-trailer truck combinations in the State of Iowa, pursuant to Section 307.10, subsection 5, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

- | | |
|--------|-------------------------------------------------------------------------|
| 1982-1 | Bettendorf Bulldogs Football Team — 1981 Class 4A Football Championship |
| 1982-2 | Alan Rosenthal, Eagleton Institute of Politics, Rutgers University |
| 1982-3 | Patrick Burken — Eagle Scout Award |
| 1982-4 | City of Arlington — 125th Anniversary |

ELIZABETH A. ISAACSON
Chief Clerk of the House

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 524 Education**

Permitting schools and school districts to offer nonsequential courses of English and language arts and units of geometry and advanced algebra in alternate years.

S.B. 525 Education

Relating to the publication of financial transactions of school districts.

S.B. 526 Education

Permitting school districts to combine the positions of secretary and treasurer.

S.B. 527 County Government

Relating to county finances by requiring annual budgets and reports, consolidating funds and levies and establishing levy limitations, expanding the duties and tenure of the county finance committee, providing for current and noncurrent debt, making coordinating amendments, and providing penalties.

S.B. 528 County Government

Relating to county home rule by making amendments which are required for accuracy or to conform the county home rule Act to former law or to the legislative intent of the county home rule Act.

S.B. 529 County Government

A concurrent resolution relating to federal funding emphasis on repair and reconstruction of bridges and highways.

S.B. 530 County Government

A resolution relating to legislation to provide tax incentives for land established as and used for wildlife habitat.

S.B. 531 County Government

Relating to expenditures for assessment appeals.

S.B. 532 County Government

Relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

S.B. 533 County Government

Authorizing the payment of the salaries and expenses of bailiffs from the court expense fund.

S.B. 534 County Government

Defining contract sales as normal transactions for the purpose of establishing the market value of real property for tax purposes.

S.B. 535 State Government

Relating to fire safety, and providing penalties.

S.B. 536 Commerce

Relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years.

S.B. 537 Commerce

Providing an exemption from the workers' compensation law for self-employed persons and their partners, and designated family members of both and for family corporations, and providing a civil penalty.

S.B. 538 Commerce

Providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided.

S.B. 539 Commerce

To establish a regulatory information service in the Iowa development commission.

S.B. 540 Human Resources

Relating to the reporting and evaluation of adult abuse, the provision of protective services, and providing penalties.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 514), relating to the hours of laboratory instruction required for completion of a driver education course.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 748, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 277, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 518, a bill for an act relating to the registration of foreign support orders under Iowa's uniform support of dependents law.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 501, as amended), relating to the penalty of murder in the second degree.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENT FILED

H-5002

H.F. 2059

Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 10:20 a.m., until 9:00 a.m., Tuesday, January 19, 1982.

JOURNAL OF THE HOUSE

Ninth Calendar Day—Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 19, 1982

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

Prayer was offered by Dr. Norman E. Wall, pastor of the Resurrection Lutheran Church, Ankeny.

The Journal of Monday, January 18, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.L. Bendixen, Denison.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Pope of Polk called up for consideration House Concurrent Resolution 102, relating to the one hundred twenty-fifth anniversary of the State Historical Society of Iowa, filed on January 12, 1982 and found on page 41 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE (House Concurrent Resolution 102)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 102 be immediately messaged to the Senate.

HOUSE FILE 629 WITHDRAWN

Clark of Cerro Gordo asked and received unanimous consent to withdraw House File 629 from further consideration by the House.

HOUSE FILE 819 WITHDRAWN

Swearingen of Keokuk asked and received unanimous consent to withdraw House File 819 from further consideration by the House.

INTRODUCTION OF BILLS

House File 2080, by Mann, a bill for an act relating to the certification of a bargaining representative for public employees under the public employment relations Act.

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

House File 2081, by Trucano, a bill for an act relating to the designation of areas of the state as enterprise zones to encourage development, growth, expansion, and investment by nongovernmental entities, and providing for property tax exemptions for real property located within an enterprise zone.

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

House File 2082, by Egenes, a bill for an act establishing the penalties of death or life imprisonment for murder for hire, and prescribing procedures therefor, and providing a January 1 effective date.

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

House File 2083, by Harbor, a bill for an act relating to fees for additional inspections of a grain dealer's place of business and relating to information submitted to or withheld from the commerce commission by a grain dealer or warehouseman.

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

House File 2084, by Egenes, a bill for an act relating to the length of the mandatory minimum sentence for use, possession, or representation of possession of a firearm while participating in a forcible felony.

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

House File 2085, by Trucano, a bill for an act allowing members of the general assembly, individuals elected to statewide office and session-only employees of the general assembly to participate in certain public employee group insurance plans.

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

House File 2086, by Crabb, a bill for an act to abolish the administrative rules review committee.

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

House File 2087, by Arnould, a bill for an act establishing a children's and adults' trust fund for the prevention of child abuse and adult abuse, and appropriating moneys in the fund.

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

House File 2088, by Spear, a bill for an act requiring an insurer to reduce premiums for automobile liability and property damage insurance for a two-year period for insureds age fifty-five or older who successfully complete an approved motor vehicle accident prevention course.

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

House File 2089, by Lind, a bill for an act striking funds appropriated to the energy policy council for the 1982-1983 fiscal year for a fuel set-aside program.

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

House File 2090, by committee on education, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course.

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

House File 2091, by Lind, a bill for an act repealing the prohibition against operating vehicles with altered centers of gravity, effective upon publication.

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

On motion by Pope of Polk the House was recessed at 9:20 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

PRESENTATION OF IOWA'S JUNIOR MISS

Crabb of Crawford escorted to the Speaker's station and presented to the House Julie Kuhlman, Iowa's Junior Miss for 1982.

Julie, daughter of Mr. and Mrs. Gerald Kuhlman of Charter Oak, will be representing Iowa at the National Junior Miss Contest. Among her many interests are basketball, track and music. She plans to make music her career.

The House rose and expressed its welcome and Miss Kuhlman addressed the House briefly.

SPONSORS ADDED

(House File 2023)

Danker of Pottawattamie requested to be added as a sponsor of House File 2023.

(House File 137)

Clements of Scott requested to be added as a sponsor of House File 137.

(House File 2015)

Oxley of Linn requested to be added as a sponsor of House File 2015.

STANDING COMMITTEE APPOINTMENT

The Speaker announced the following appointment to a standing committee of the House:

Tyrrell, Phillip — Committee on Labor and Industrial Relations

PRESENTATION OF VISITORS

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

Eleven students from Cornell College, Mt. Vernon, accompanied by Rev. Richard Thomas. By Petrick of Linn.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 541 Ways and Means

Relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, the provision excluding the tax as part of the basic cost of cigarettes, and repealing the one-time inventory tax refund.

S.B. 542 Ways and Means

Relating to the state sales, services, and use tax by providing that the tax applies to communication services, including communication services occurring partly within and partly without the state, and providing that the tax applies to cable television services.

S.B. 543 Ways and Means

Relating to the apportionment of business income for corporate income tax purposes.

S.B. 544 Ways and Means

Relating to penalties for violations of the motor vehicle fuel tax, state withholding tax, corporate income tax, use tax, and additional property tax relief for the elderly and disabled laws.

S.B. 545 Ways and Means

Providing a variable interest rate for the underpayment penalty on estimated payments of corporate income and franchise taxes and making the Act retroactive to January 1, 1982.

S.B. 546 Ways and Means

Relating to the time for which a state tax lien continues in effect.

S.B. 547 Ways and Means

Relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price and making the Act retroactive to July 1, 1981.

S.B. 548 Judiciary and Law Enforcement

Relating to proposed revisions of Chapter 229, hospitalization of mentally ill persons.

S.B. 549 Judiciary and Law Enforcement

To make the payment or nonpayment of judgments for support in dissolution of marriage cases a public record.

S.B. 550 Judiciary and Law Enforcement

To provide for the discharge of the mechanics liens of contractors on the same basis that subcontractors mechanics liens can be discharged, and to provide that either may be discharged by depositing cash as security for payment in the same amount as the bond for which provision has been previously made.

S.B. 551 Judiciary and Law Enforcement

To require filing, in the office of the soil conservation district and in the office of the recorder of the county in which the land is located, of any agreements for receipt of any state cost-sharing funds for permanent soil conservation practices; and to provide a standardized form of release.

S.B. 552 Judiciary and Law Enforcement

To change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in Section 586.1 of the Code.

S.B. 553 Judiciary and Law Enforcement

Relating to the use of small estates.

S.B. 554 Judiciary and Law Enforcement

Regarding amount of conservatorship.

S.B. 555 Judiciary and Law Enforcement

Relating to the definition of adjusted gross estate.

S.B. 556 Judiciary and Law Enforcement

Relating to issuance of certificates of title by clerk of court.

S.B. 557 Judiciary and Law Enforcement

Defining the period of limitation of administration of estate.

S.B. 558 State Government

To provide for the negotiation and administration of collective bargaining contracts for the state by the Iowa merit employment department.

S.B. 559 State Government

Relating to the administration and benefits of public retirement systems and to make an appropriation.

S.B. 560 State Government

Relating to establishing a state employee suggestion system.

S.B. 561 Commerce

Requiring that policies of accident and health insurance provide coverage for the treatment of chemical dependency and substance abuse on substantially the same basis as other health care coverage and making penalties applicable.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

House File 2034, a bill for an act relating to state bank investment in bonds and notes issued by the Iowa family farm development authority.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H—5003.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 494, a bill for an act relating to objections to the place of trial in a criminal action.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H—5005.

Committee Bill (Formerly Study Bill 502, as amended), relating to the collection of filing and docketing fees for indictments or informations.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H—5003	H.F. 2034	Committee on Commerce
H—5004	H.F. 2073	Tyrrell of Iowa
H—5005	S.F. 494	Committee on Judiciary and Law Enforcement
H—5006	H.F. 804	Johnson of Linn

On motion by Halvorson of Clayton, the House adjourned at 11:58 a.m., until 9:00 a.m., Wednesday, January 20, 1982.

JOURNAL OF THE HOUSE

Tenth Calendar Day—Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 20, 1982

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

Prayer was offered by the Reverend Richard Houg, pastor of the First Baptist Church of Eldora.

The Journal of Tuesday, January 19, 1982 was approved.

HOUSE FILES 854 AND 870 WITHDRAWN

Schnekloth of Scott asked and received unanimous consent to withdraw House Files 854 and 870 from further consideration by the House.

RULE 61 SUSPENDED

Van Maanen of Mahaska asked and received unanimous consent to suspend House Rule 61 regarding committee notices and agendas for Wednesday, January 20, 1982.

INTRODUCTION OF BILLS

House File 2092, by Mann, a bill for an act permitting a parent or guardian of a student to inspect certain instructional material and to require parental consent for psychiatric or psychological examinations and certain written surveys or written examinations being administered to the student.

Read first time and referred to committee on education.

House File 2093, by Groth, a bill for an act relating to emergency assistance by volunteer fire fighters and rescue service operators.

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

House File 2094, by Corey, a bill for an act relating to the collection of taxes and mounting of registration plates on mobile homes.

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

House File 2095, by Horn, a bill for an act extending the deadline for the furnishing of school immunization records by the local department of health.

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

House File 2096, by O'Kane, a bill for an act making an appropriation to the state board of regents for the Siouxland graduate study center master's in social work program.

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

House File 2097, by Clark of Cerro Gordo, a bill for an act relating to the compensation of elected county officers.

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

House File 2098, by Schroeder, a bill for an act relating to signs or reflectors required to indicate the width of bridges and to remove tort liability for use of reflectors.

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

House File 2099, by Spear, a bill for an act to prohibit the use of deferred judgements or sentences for the offense of operating a motor vehicle in violation of section 321.281.

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

House File 2100, by Horn, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public

school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation.

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

House File 2101, by Trucano, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations.

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

House File 2102, by Horn, a bill for an act requiring the superintendent of printing to make available embossed certificates, diplomas, or written forms of recognition.

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

House File 2103, by Horn, a bill for an act limiting the prohibition on coasting to commercial vehicles.

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

House File 2104, by Danker, a bill for an act relating to the closing of bridges for repairs or reconstruction.

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

House File 2105, by Trucano, a bill for an act relating to the notification of persons upon release of inmates.

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

House File 2106, by Van Maanen, a bill for an act relating to standards for the emission of sulfur dioxide from solid fuels.

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

House File 2107, by Horn, a bill for an act related to filing of nomination petitions for elective school offices.

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

House File 2108, by Shull, a bill for an act providing for an individual retirement program for public employees, with a January 1, 1983 effective date.

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

House File 2109, by Bruner, Swartz, Sturgeon, Poncy, Dieleman, Welsh, Arnould, Fey, Rosenberg, Pavich, Lonergan, Cochran, Anderson of Jasper and Rapp, a bill for an act to provide for the reduction of upper-level management positions in certain state agencies.

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

House File 2110, by Bruner, Rapp, Rosenberg, Lonergan, Sullivan, Sturgeon, Spear, Poncy, Lloyd-Jones, Dieleman, Brandt, Welsh, Cochran, Carl, Anderson of Jasper, Arnould, Howell, Knapp, Fey, Swartz, Pavich and Connolly, a bill for an act to provide that federal windfall profits taxes paid or refunded are not considered in computing the deduction for state corporate income tax purposes.

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

HOUSE FILE 2081 REREFERRED

The Speaker announced that House File 2081, previously referred to **committee on commerce**, is rereferred to **committee on cities**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 18, 1982, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 213, a bill for an act relating to the members of the Iowa beer and liquor control council.

Also: That the Senate has on January 18, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 511, a bill for an act relating to the enforcement of judgement liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

Also: That the Senate has on January 18, 1982, concurred in the House amendment, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 522, a bill for an act to require that the department of public instruction and the area education agencies encourage schools to offer programs for gifted and talented children.

K. MARIE THAYER, Secretary

On motion by Pope of Polk the House was recessed at 9:22 a.m., until 11:45 a.m.

The House reconvened, Speaker pro tempore Menke of O'Brien in the chair.

HOUSE CONCURRENT RESOLUTION 104

By Clements

1 *Whereas*, Section 1 of Article III of the Constitution
2 of the United States gives the federal courts judicial
3 rather than legislative power; and

4 *Whereas*, judicial activism of the federal courts
5 related to school prayer, busing and abortion have
6 exceeded the bounds of judicial power; and

7 *Whereas*, matters related to school prayer, busing and
8 abortion are policy decisions for state legislatures and
9 state courts; and

10 *Whereas*, the workload of the federal courts has almost
11 doubled in the last ten years; and

12 *Whereas*, the increased workload prompted each of the
13 nine Justices of the Supreme Court to request in June,
14 1978 that the Congress of the United States reduce the
15 jurisdiction of the Supreme Court; and

16 *Whereas*, Article III of the Constitution grants the
17 Congress complete discretionary authority to change the
18 appellate jurisdiction of the Supreme Court; and

19 *Whereas*, Congress has often exercised its power to
20 change and regulate the appellate jurisdiction of the
21 Supreme Court; *Now Therefore*,

22 *Be It Resolved by the House of Representatives, the*
23 *Senate Concurring*, That this general assembly respectfully
24 urges the Congress to enact legislation to remove cases
25 involving public school prayer, forced busing to achieve
26 integration, and abortion from the appellate jurisdiction
27 of the Supreme Court and the original jurisdiction of
28 district courts; and

- 29 *Be It Further Resolved*, That copies of this resolution
30 be transmitted to the members of Iowa's Congressional delegation

Page 2

- 1 and to the President of the United States and the Speaker of
2 the United States House of Representatives, with the request that they
3 lay this resolution before their respective bodies.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 105

By Harbor, Anderson of Audubon, Anderson of Jasper, Arnould, Avenson, Bennett, Binneboese, Brandt, Branstad, Bruner, Byerly, Carl, Carpenter, Chiodo, Clark of Cerro Gordo, Clark of Lee, Clements, Cochran, Conlon, Connolly, Connors, Cook, Corey, Crabb, Daggett, Danker, Davitt, De Groot, Dieleman, Diemer, Doderer, Egenes, Fey, Gettings, Gross, Groth, Hall, Halvorson of Clayton, Halvorson of Webster, Hansen of O'Brien, Hanson of Delaware, Hoffmann-Bright, Holt, Horn, Howell, Hummel, Jay, Jochum, Johnson of Howard, Johnson of Linn, Johnson of Woodbury, Knapp, Krewson, Lageschulte, Lind, Lloyd-Jones, Lonergan, Mann, Maulsby, McKean, Menke, Miller, Mullins, Norland, O'Kane, Oxley, Pavich, Pellett, Pelton, Petrick, Poffenberger, Poncy, Pope, Rapp, Renaud, Renken, Ritsema, Rosenberg, Running, Schneklath, Schroeder, Shull, Smalley, Smith, Spear, Stromer, Stueland, Sturgeon, Sullivan, Swartz, Swearingen, Tofte, Trucano, Tyrrell, Van Maanen, Walter, Welden, Welsh and Woods

- 1 *Whereas*, the goal of all college football teams is winning
2 their respective conference championship and obtaining an
3 appearance in a major post-season bowl game; and
4 *Whereas*, the Rose Bowl is symbolic of the championship of
5 the Big Ten Conference and is the granddaddy of all bowl games; and
6 *Whereas*, Coach Hayden Fry led his team to national attention
7 by demonstrating outstanding leadership throughout the 1981
8 football season and in the 1982 Rose Bowl game; and
9 *Whereas*, throughout the entire season the outstanding
10 performances of the Hawkeye Marching Band added enthusiasm, superior
11 accomplishments and class to the Hawkeyes' success; and
12 *Whereas*, Hawkeye fans all across the nation were loyal to
13 their team throughout the regular and post-season play and
14 indicated their pride by an excellent following to Pasadena; *Now*
15 *Therefore*,
16 *Be It Resolved by the House of Representatives, the Senate*
17 *Concurring*, That the state of Iowa and its loyal fans are proud
18 of the 1981 Hawkeye Football Team and by the adoption of this
19 resolution recognize that even though we may occasionally be
20 outscored, we never lose; and express confidence in the fact that
21 the Hawks will return to the Rose Bowl again; and
22 *Be It Further Resolved*, That copies of this resolution be
23 forwarded to Coach Hayden Fry, each team member and all staff
24 persons.

Laid over under Rule 30.

SPONSOR ADDED
(House File 2035)

Davitt of Warren requested to be added as a sponsor of House File 2035.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 562 Natural Resources

To consolidate the regulation and management of water resources by transferring to the Iowa department of environmental quality all of the powers and duties of the Iowa natural resources council and the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and replacing criminal penalties for violations with civil penalties.

S.B. 563 Natural Resources

Relating to a user fee for certain state lands under the jurisdiction of the conservation commission and providing for a penalty.

S.B. 564 County Government

Restricting the burning of vegetation within rights-of-way of public roads and other public land and to provide a penalty for violations.

S.B. 565 - County Government

Relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

S.B. 566 Judiciary and Law Enforcement

Relating to interpreters who serve in a legal proceeding.

S.B. 567 Commerce

To expand the deposit base on the limitation for acquisition by a bank holding company.

S.B. 568 Judiciary and Law Enforcement

To establish a sentencing guidelines commission.

S.B. 569 Judiciary and Law Enforcement

Relating to the form in which records shall be maintained by the clerk of the district court and other county officers.

S.B. 570 Judiciary and Law Enforcement

Relating to criminal responsibility for the commission of a public offense while mentally ill.

S.B. 571 County Government

Relating to the reduction of proposed annual compensation increases for elected county officers.

S.B. 572 State Government

To permit the Board of Podiatry Examiners to issue a temporary certificate to practice podiatry.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2018, as amended), changing the date for the organizational meeting of the board of directors of a merged area.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 526), permitting school districts to combine the positions of secretary and treasurer.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 515), providing technical corrections to chapter 1, Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, concerning congressional and legislative redistricting effective for the 1982 general election.

Fiscal Note is not required.

Recommended Do Pass.

On motion by Halvorson of Clayton, the House adjourned at 12:05 p.m., until 9:00 a.m., Thursday, January 21, 1982.

JOURNAL OF THE HOUSE

Eleventh Calendar Day — Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 21, 1982

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

Prayer was offered by the Reverend Dennis Dorsheimer, pastor of the Jackson Church of Christ, Montezuma.

The Journal of Wednesday, January 20, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Howard on request of Renken of Grundy.

INTRODUCTION OF BILLS

House File 2111, by committee on judiciary and law enforcement, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree.

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

House File 2112, by committee on education, a bill for an act permitting school districts to combine the positions of secretary and treasurer.

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

House File 2113, by committee on state government, a bill for an act providing technical corrections to chapter 1, Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, concerning congressional and legislative redistricting effective for the 1982 general election.

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

House File 2114, by Cook, a bill for an act relating to the procedure for the sale of property not needed for road purposes by the use of sealed bids by the agency in control of the land.

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

House File 2115, by Daggett, a bill for an act providing a refund of the excise tax on motor fuel used to produce denatured alcohol within the state.

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

House File 2116, by Crabb, a bill for an act relating to membership of the board of nursing examiners.

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

House File 2117, by Bruner, Sturgeon, Dieleman, Brandt, Carl, Renaud, Fey, Swartz, Rosenberg, Cochran, Anderson of Jasper, Howell and Sullivan, a bill for an act relating to the operation of a motor vehicle while having alcohol in the blood, and providing penalties.

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

House File 2118, by Carpenter, a bill for an act relating to the reimbursement of part-time gubernatorial appointees for child care expenses.

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

House File 2119, by Bruner, Sturgeon, Poncy, Dieleman, Brandt, Carl, Arnould, Fey, Rosenberg, Pavich, Lonergan, Connolly, Anderson of Jasper, Howell and Rapp, a bill for an act to allow a taxpayer filing a state individual income tax return to claim a credit for political contributions and providing a January 1 effective date.

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

House File 2120, by O'Kane, a bill for an act requiring shared-maintenance agreements for jurisdictional transfers of roads and streets occurring after April 1, 1981, effective upon publication with retroactive application.

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

House File 2121, by Sullivan, a bill for an act relating to the definition of a parcel of land in relation to fees charged by county auditors for transfers made in the transfer books.

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

House File 2122, by Sullivan, a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains, or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

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

House File 2123, by Schnekloth, a bill for an act relating to grading grain for foreign material.

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

House File 2124, by Bruner, Sturgeon, Spear, Lloyd-Jones, Brandt, Carl, Arnould, Knapp, Fey, Rosenberg, Hall, Anderson of Jasper and Howell, a bill for an act relating to the representation of even-numbered senatorial districts in the Seventieth General Assembly effective upon publication.

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

House File 2125, by Carpenter, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts.

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

HOUSE RESOLUTION 101

By Committee on Rules

1 *Be It Resolved by the House of Representatives, That the*
2 *permanent rules of the House for the 1982 session of the*
3 *Sixty-ninth general assembly be amended as follows:*

Rule 73

Order and Precedence of Motions

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

8 1. A motion to adjourn.

9 2. A motion to lay on the table.

10 3. A motion for the previous question.

11 4. A motion to postpone action until a certain day.

12 5. A motion to amend the bill under consideration by
13 striking the enacting words only (no insertion allowed).

14 6. A motion to refer or rerefer.

15 7. A motion to amend by committee.

16 8. A motion to amend by an individual. Amendments within
17 each of the following four categories will be considered
18 by earliest position in the bill. Amendments to the same
19 place in the bill will be considered by the lowest amendment
20 number. For purposes of this rule, an amendment which in-
21 serts language after a line and an amendment which inserts
22 language before the succeeding line shall be considered as
23 amendments to the same place in the bill. Individual amend-
24 ments will be considered in the following order:

25 a. Strike everything after the enacting clause and
26 insert new subject matter.

27 b. Insert.

28 c. Strike and insert.

29 d. Strike.

30 9. A motion to postpone indefinitely.

31 These motions have precedence as listed.

32 These motions are listed in descending order of precedence.

33 A substitution for any of the above will require a suspension
34 of the rules.

35 A motion to postpone to a certain day, to refer or

Page 2

1 rerefer, or to postpone indefinitely a particular question
2 will not be considered more than once in the same day.

3 If a motion to amend a bill by striking the enacting words
4 is adopted, the action is equivalent to rejection of the
5 bill.

Laid over under Rule 30.

HOUSE FILE 2106 REREFERRED

The Speaker announced that House File 2106, previously referred to committee on natural resources, is rereferred to committee on energy.

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:

Chief Clerk	Elizabeth A. Isaacson	\$26,000.00	Annually	10/14/81
<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
		G-L + P**		
Secretary*	Joyce Chamberlain	13-1 + 3	S-O	1/11/82
Secretary*	Kathleen L. Peterson	15-2 + 2	S-O	1/11/82
Secretary*	Peggy H. Ward	15-1 + 2	S-O	1/11/82
Secretary*	Bettie J. Wentz	15-3 + 3	S-O	1/11/82
Administrative Assistant II	Suzanne Odea Schenken	15-1	S-O	1/11/82
Administrative Assistant II	Elizabeth Seiser	15-1	S-O	1/15/82

* Referred to as Clerk I and Clerk II in Senate Concurrent Resolution 4

** G = Grade
L = Longevity
P = Position

JOHNSON of Howard, Chair

COMMUNICATIONS RECEIVED

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

COMMERCE COMMISSION

A Commerce Commission Report to the Legislature regarding advertising costs of public utilities, pursuant to House File 771, Section 8, Sixty-ninth General Assembly, 1981.

COMMISSION ON THE AGING

Report to the general assembly regarding the status of the Elderly Care Program, pursuant to the Sixty-ninth General Assembly, 1981 Session.

DEPARTMENT OF PUBLIC INSTRUCTION

Report and Recommendations to the 1982 Session of the Sixty-ninth General Assembly by the State Board of Public Instruction, pursuant to Section 257.10 (9), Code of Iowa.

LEGISLATIVE FISCAL BUREAU

Final report of the Advisory Commission on the Appropriate Uses of the Women's Correctional and Juvenile State Institutions, pursuant to Chapter 11.1, 1981 Acts of the Sixty-ninth General Assembly.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 573 State Government

Relating to the requirements that certain buildings be designed by registered architects.

S.B. 574 Education

Relating to seniority benefits for school administrators.

S.B. 575 Transportation

Relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

S.B. 576 Transportation

To permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

S.B. 577 Transportation

Relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

S.B. 578 Judiciary and Law Enforcement

Repealing the prohibition against operating vehicles with altered centers of gravity, effective upon publication.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 10**

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House Joint Resolution 11

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House Joint Resolution 12

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House Joint Resolution 13

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House File 28 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 33 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 40 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 58 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 59

State Government: Carpenter, Chair; Brandt and Harbor.

House File 66 (Reassigned)

State Government: Anderson of Audubon, Chair; Arnould and Carpenter.

House File 69 (Reassigned)

Judiciary and Law Enforcement: Pelton, Chair; Rapp and Ritsema.

House File 77 (Reassigned)

State Government: Lageschulte, Chair; Trucano and Woods.

House File 79 (Reassigned)

Judiciary and Law Enforcement: Ritsema, Chair; Doderer and Egenes.

House File 80 (Reassigned)

Energy: Clark of Lee, Chair; Knapp and Danker.

House File 83

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 89 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 98 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 102 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper and Smith.

House File 104 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 111 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 117 (Reassigned)

State Government: Anderson of Audubon, Chair; Arnould and Carpenter.

House File 118 (Reassigned)

State Government: Anderson of Audubon, Chair; Arnould and Carpenter.

House File 130 (Reassigned)

State Government: Swearingen, Chair; Brandt and Crabb.

House File 152 (Reassigned)

State Government: Anderson of Audubon, Chair; Arnould and Carpenter.

House File 158 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 159 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 162 (Reassigned)

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 172 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 185 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper and Smith.

House File 190 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 191 (Reassigned)

Education: Clements, Chair; Lind and Lonergan.

House File 193 (Reassigned)

State Government: Anderson of Audubon, Chair; Halvorson of Webster and Smith.

House File 200

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 206 (Reassigned)

Energy: Bennett, Chair; Clark of Lee and Poffenberger.

House File 217

State Government: Harbor, Chair; Chiodo and Hoffmann-Bright.

House File 225

Agriculture: Hummel, Chair; Byerly and McKean.

House File 228

State Government: Harbor, Chair; Chiodo and Hoffmann-Bright.

House File 229

State Government: Hoffmann-Bright, Chair; Dieleman and Trucano.

House File 230

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 252

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 255 (Reassigned)

Judiciary and Law Enforcement: Smalley, Chair; Welsh and Brandt.

House File 256

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 257 (Reassigned)

Education: Menke, Chair; Johnson of Woodbury and Anderson of Jasper.

House File 266 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 267 (Reassigned)

State Government: Tofte, Chair; Clark of Cerro Gordo and Doderer.

House File 268 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper and Smith.

House File 271 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 275 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 281 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 294 (Reassigned)

Education: Clements, Chair; Lind and Lonergan.

House File 295 (Reassigned)

Cities: Crabb, Chair; Swearingen and Fey.

House File 297 (Reassigned)

State Government: Tofte, Chair; Clark of Cerro Gordo and Doderer.

House File 307 (Reassigned)

State Government: Anderson of Audubon, Chair; Arnould and Carpenter.

House File 315 (Reassigned)

Cities: Tyrrell, Chair; Diemer, Spear, Johnson of Linn and Walter.

House File 324 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 325 (Reassigned)

State Government: Harbor, Chair; Chiodo and Hoffmann-Bright.

House File 328 (Reassigned)

Cities: Krewson, Chair; Johnson of Linn and O'Kane.

House File 331 (Reassigned)

Energy: Mullins, Chair; Lonergan, Bruner, Howell and Poffenberger.

House File 336 (Reassigned)

Energy: Lind, Chair; Mullins and Binneboese.

House File 338 (Reassigned)

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 344 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 346 (Reassigned)

Energy: Danker, Chair; Davitt and Clark of Lee.

House File 354 (Reassigned)

Education: Johnson of Howard, Chair; Maulsby and Jay.

House File 364 (Reassigned)

Education: Krewson, Chair; Johnson of Woodbury and Rosenberg.

House File 382 (Reassigned)

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 384 (Reassigned)

State Government: Anderson of Audubon, Chair; Arnould and Carpenter.

House File 393 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 402 (Reassigned)

Energy: Poffenberger, Chair; O'Kane and Bruner.

House File 409

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 418

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 436

State Government: Hoffmann-Bright, Chair; Brandt, Dieleman and Trucano.

House File 447 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 460 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 464 (Reassigned)

Education: Carpenter, Chair; Menke, Holt, Norland and Jay.

House File 473 (Reassigned)

Education: Swearingen, Chair; Petrick and Horn.

House File 486 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 537 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 552 (Reassigned)

Cities: Tyrrell, Chair; Diemer, Spear, Johnson of Linn and Walter.

House File 555 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 569 (Reassigned)

Energy: Pelton, Chair; Lonergan, O'Kane, Sullivan and Petrick.

House File 579 (Reassigned)

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 583 (Reassigned)

Energy: De Groot, Chair; Carl and Cook.

House File 592 (Reassigned)

State Government: Hanson of Delaware, Chair; Lloyd-Jones and Tofte.

House File 606 (Reassigned)

State Government: Carpenter, Chair; Chiodo and Hanson of Delaware.

House File 615 (Reassigned)

Education: Carpenter, Chair; Ritsema and Carl.

House File 619

State Government: Harbor, Chair; Chiodo and Hoffmann-Bright.

House File 620

State Government: Smith, Chair; Chiodo and Trucano.

House File 625

Agriculture: Anderson of Audubon, Chair; Cochran and Crabb.

House File 626

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 628

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 637

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 638

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

House File 640 (Reassigned)

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 650

State Government: Carpenter, Chair; Chiodo and Hanson of Delaware.

House File 668

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 675 (Reassigned)

Judiciary and Law Enforcement: Conlon, Chair; Jay and Ritsema.

House File 682 (Reassigned)

Education: Maulsby, Chair; Clements and Connolly.

House File 685

State Government: Harbor, Chair; Clark of Cerro Gordo and Halvorson of Webster.

House File 690 (Reassigned)

Cities: Krewson, Chair; Johnson of Linn and O'Kane.

House File 697

State Government: Swearingen, Chair; Brandt and Crabb.

House File 708

State Government: Tofte, Chair; Clark of Cerro Gordo and Doderer.

House File 709

State Government: Swearingen, Chair; Brandt and Crabb.

House File 712

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 715

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 718

State Government: Crabb, Chair; Harbor and Lloyd-Jones.

House File 722 (Reassigned)

Energy: Poffenberger, Chair; Howell and Ritsema.

House File 725

State Government: Hoffmann-Bright, Chair; Brandt, Dieleman and Trucano.

House File 748

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 758

Ways and Means: Branstad, Chair; Diemer and Cochran.

House File 760

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 791

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 815

Ways and Means: Ritsema, Chair; Diemer, Shull, Chiodo, Connolly and Rapp.

House File 840

Ways and Means: Renken, Chair; Poffenberger, Petrick, Hanson of Delaware, Davitt, Cochran and O'Kane.

House File 845

Ways and Means: Schnekloth, Chair; Shull, Poffenberger, Norland and Hall.

House File 848

Ways and Means: Petrick, Chair; Lageschulte and Pavich.

House File 871

Ways and Means: Shull, Chair; Renken and Dieleman.

House File 2003

Judiciary and Law Enforcement: Egenes, Chair; Johnson of Howard and Rosenberg.

House File 2005

Ways and Means: Renken, Chair; Petrick and O'Kane.

House File 2006

Ways and Means: Hummel, Chair; Bennett and Howell.

House File 2007

Ways and Means: Carpenter, Chair; Conlon and Connolly.

House File 2008

Energy: Poffenberger, Chair; Howell and Ritsema.

House File 2009

Judiciary and Law Enforcement: Poffenberger, Chair; Jay and Smalley.

House File 2011

Judiciary and Law Enforcement: Poffenberger, Chair; Doderer and Smalley.

House File 2014

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley, and Welsh.

House File 2015

Ways and Means: Diemer, Chair; Carpenter and Hall.

House File 2017

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley, and Welsh.

House File 2020

Judiciary and Law Enforcement: Ritsema, Chair; Corey and Jay.

House File 2023

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 2030

Ways and Means: Daggett, Chair; Diemer and Brandt.

House File 2031

Judiciary and Law Enforcement: Gross, Chair; Egenes and Sturgeon.

House File 2033

Judiciary and Law Enforcement: Smalley, Chair; Rapp and Corey.

House File 2035

Ways and Means: Schnekloth, Chair; Maulsby and Oxley.

House File 2036

Ways and Means: Poffenberger, Chair; Petrick and Davitt.

House File 2037

State Government: Anderson of Audubon, Chair; Arnould and Smith.

House File 2038

Ways and Means: Clark of Lee, Chair; Krewson and Hall.

House File 2039

Judiciary and Law Enforcement: Pelton, Chair; Johnson of Howard and Brandt.

House File 2040

Ways and Means: Bennett, Chair; Krewson and Howell.

House File 2041

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Arnould and Pelton.

House File 2042

Ways and Means: Hummel, Chair; Bennett and Pavich.

House File 2043

Cities: Krewson, Chair; Johnson of Linn and O'Kane.

House File 2044

State Government: Smith, Chair; Anderson of Audubon and Anderson of Jasper.

House File 2046

State Government: Crabb, Chair; Brandt and Swearingen.

House File 2047

Ways and Means: Branstad, Chair; Diemer and Cochran.

House File 2048

Judiciary and Law Enforcement: Pelton, Chair; Gross and Welsh.

House File 2049

Agriculture: Corey, Chair; Stueland and Halvorson of Webster.

House File 2050

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 2051

Judiciary and Law Enforcement: Ritsema, Chair; Poffenberger, Brandt, Clark of Cerro Gordo and Rosenberg.

House File 2052

Judiciary and Law Enforcement: Ritsema, Chair; Brandt and Rosenberg.

House File 2053

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

House File 2054

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Arnould.

House File 2055

Agriculture: Corey, Chair; Stueland and Halvorson of Webster.

House File 2056

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2057

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 2060

Transportation: Schnekloth, Chair; Bruner and Holt.

House File 2061

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Brandt, Dieleman and Trucano.

House File 2062

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Welsh.

House File 2063

State Government: Tofte, Chair; Smith and Woods.

House File 2064

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 2066

Education: Swearingen, Chair; Maulsby and Spear.

House File 2067

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 2069

Transportation: Branstad, Chair; Gettings and Lind.

House File 2071

Agriculture: Bennett, Chair; Crabb and Knapp.

House File 2072

Agriculture: Bennett, Chair; Crabb and Knapp.

House File 2073

Ways and Means: Bennett, Chair; Hummel and Howell.

House File 2074

Judiciary and Law Enforcement: Smalley, Chair; Rapp and Clark of Cerro Gordo.

House File 2075

Transportation: Menke, Chair; Johnson of Woodbury and Oxley.

House File 2078

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 2079

Judiciary and Law Enforcement: Ritsema, Chair; Poffenberger, Brandt, Clark of Cerro Gordo and Rosenberg.

House File 2082

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 2084

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 2085

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Brandt, Dieleman and Trucano.

House File 2086

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 2088

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 2091

Transportation: Danker, Chair; Anderson of Jasper and Mann.

House File 2093

Judiciary and Law Enforcement: Conlon, Chair; Rosenberg and Johnson of Howard.

House File 2095

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

House File 2099

Judiciary and Law Enforcement: Ritsema, Chair; Poffenberger, Brandt, Clark of Cerro Gordo and Rosenberg.

House File 2105

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate Joint Resolution 6 (Reassigned)

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

Senate Joint Resolution 13

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

Senate File 50 (Reassigned)

State Government: Swearingen, Chair; Anderson of Jasper, Crabb, Halvorson of Webster and Hanson of Delaware.

Senate File 123 (Reassigned)

State Government: Carpenter, Chair; Clark of Cerro Gordo and Doderer.

Senate File 180 (Reassigned)

State Government: Harbor, Chair; Brandt and Hanson of Delaware.

Senate File 217 (Reassigned)

Ways and Means: Ritsema, Chair; Connolly, Diemer, Chiodo, Shull and Rapp.

Senate File 260 (Reassigned)

Transportation: Mann, Chair; Anderson of Jasper and Menke.

Senate File 268

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 275 (Reassigned)

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 277

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 306

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 382 (Reassigned)

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Corey.

Senate File 393 (Reassigned)

Energy: Poffenberger, Chair; Howell and Ritsema.

Senate File 395

State Government: Swearingen, Chair; Anderson of Jasper and Hoffmann-Bright.

Senate File 400

Ways and Means: Conlon, Chair; Daggett and Cochran.

Senate File 414

State Government: Swearingen, Chair; Brandt and Carpenter.

Senate File 438

State Government: Crabb, Chair; Brandt and Harbor.

Senate File 484

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

Senate File 490 (Reassigned)

Judiciary and Law Enforcement: Smalley, Chair; Trucano and Brandt.

Senate File 494 (Reassigned)

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Welsh.

Senate File 513

Judiciary and Law Enforcement: Johnson of Howard, Chair; Sturgeon and Jay.

Senate File 518 (Reassigned)

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo and Doderer.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 50**

Energy: Mullins, Chair; Lonergan, Bruner, Howell and Poffenberger.

Study Bill 51

Energy: Pelton, Chair; Lonergan, O'Kane and Sullivan.

Study Bill 76

Energy: Van Maanen, Chair; Davitt, Sullivan, Danker and Johnson of Woodbury.

Study Bill 87

Cities: Clark of Lee, Chair; Hoffmann-Bright and Renaud.

Study Bill 500

Judiciary and Law Enforcement: Conlon, Chair; Jay and Swartz.

Study Bill 501

Judiciary and Law Enforcement: Corey, Chair; Jay and Swartz.

Study Bill 502

Judiciary and Law Enforcement: Poffenberger, Chair; Egenes and Arnould.

Study Bill 505

Judiciary and Law Enforcement: Smalley, Chair; Doderer and Swartz.

Study Bill 508

Judiciary and Law Enforcement: Smalley, Chair; Truçano, Welsh, Doderer and Corey.

Study Bill 509

Judiciary and Law Enforcement: Conlon, Chair; Sturgeon and Rosenberg.

Study Bill 511

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Arnould and Rosenberg.

Study Bill 515

State Government: Swearingen, Chair; Brandt and Crabb.

Study Bill 517

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Conlon and Brandt.

Study Bill 518

Commerce: Halvorson of Clayton, Chair; Hansen of O'Brien and Jochum.

Study Bill 519

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Swartz.

Study Bill 523

Judiciary and Law Enforcement: Smalley, Chair; Swartz and Clark of Cerro Gordo.

Study Bill 535

State Government: Anderson of Audubon, Chair; Halvorson of Webster and Harbor.

Study Bill 536

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

Study Bill 537

Commerce: Halvorson of Clayton, Chair; Hummel and Rapp.

Study Bill 538

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

Study Bill 539

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

Study Bill 540

Human Resources: McKean, Chair; Carl, Daggett, Knapp, Maulsby, Running, Trucano, De Groot and Arnould.

Study Bill 541

Ways and Means: Clark of Lee, Chair; McKean and Chiodo.

Study Bill 542

Ways and Means: Hummel, Chair; Krewson and Dieleman.

Study Bill 548

Judiciary and Law Enforcement: Egenes, Chair; Arnould and Sturgeon.

Study Bill 549

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Johnson of Howard.

Study Bill 550

Judiciary and Law Enforcement: Pelton, Chair; Gross and Doderer.

Study Bill 551

Judiciary and Law Enforcement: Gross, Chair; Smalley and Welsh.

Study Bill 552

Judiciary and Law Enforcement: Conlon, Chair; Jay and Swartz.

Study Bill 553

Judiciary and Law Enforcement: Poffenberger, Chair; Rapp and Brandt.

Study Bill 554

Judiciary and Law Enforcement: Poffenberger, Chair; Rapp and Brandt.

Study Bill 555

Judiciary and Law Enforcement: Poffenberger, Chair; Rapp and Brandt.

Study Bill 556

Judiciary and Law Enforcement: Pelton, Chair; Arnould and Ritsema.

Study Bill 557

Judiciary and Law Enforcement: Poffenberger, Chair; Rapp and Brandt.

Study Bill 558

State Government: Lageschulte, Chair; Doderer and Harbor.

Study Bill 559

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

Study Bill 560

State Government: Hoffman-Bright, Chair; Anderson of Audubon and Dieleman.

Study Bill 561

Commerce: Halvorson of Clayton, Chair; Holt and Bruner.

Study Bill 562

Natural Resources: Stueland, Chair; Pellett and Jay.

Study Bill 563

Natural Resources: Hanson of Delaware, Chair; Petrick and Jay.

Study Bill 566

Judiciary and Law Enforcement: Egenes, Chair; Arnould and Sturgeon.

Study Bill 567

Commerce: Schroeder, Chair; Chiodo and Johnson of Linn.

Study Bill 568

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Study Bill 569

Judiciary and Law Enforcement: Pelton, Chair; Sturgeon and Rosenberg.

Study Bill 570

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley, and Welsh.

Study Bill 572

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

Study Bill 575

Transportation: Schneklath, Chair; Groth and Lind.

Study Bill 576

Transportation: Johnson of Woodbury, Chair; Holt and Pavich.

Study Bill 577

Transportation: Danker, Chair; Lind and Woods.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 79, as amended), relating to intestate shares when a decedent leaves a surviving spouse and issue.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 570), relating to criminal responsibility for the commission of a public offense while mentally ill.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON NATURAL RESOURCES

House File 809, a bill for an act relating to conservation easements.

Fiscal Note is not required.

Recommended **Do Pass**.

House File 2027, a bill for an act to provide for a special turkey hunting license for landowners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5007**.

House File 2077, a bill for an act to set the time for the harvesting of wild ginseng.

Fiscal Note is not required.

Recommended **Do Pass**.

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON RULES

House Resolution, a resolution relating to amending the permanent rules of the house for the 1982 session of the Sixty-ninth General Assembly.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON TRANSPORTATION

Senate File 487, a bill for an act allowing the operation of golf carts on the streets of cities.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5007	H.F. 2027	Committee on Natural Resources
H-5008	S.F. 277	Spear of Lee
H-5009	S.F. 277	Spear of Lee
H-5010	H.F. 2002	Corey of Louisa
H-5011	H.F. 2049	Spear of Lee
H-5012	H.F. 804	Hansen of O'Brien O'Kane of Woodbury
H-5013	S.F. 277	Spear of Lee
H-5014	S.F. 277	Clements of Scott

On motion by Pope of Polk, the House adjourned at 9:25 a.m., until 10:00 a.m., Monday, January 25, 1982.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day—Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 25, 1982

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

Prayer was offered by the Reverend Harris Hostager, pastor of the Our Saviour's Lutheran Church, Audubon.

The Journal of Thursday, January 21, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. William Palmer, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for the week of January 25, 1982, on request of Mullins of Kossuth; Miller of Buchanan, for the week of January 25, 1982, on request of Gettings of Wapello; Walter of Pottawattamie on request of Pavich of Pottawattamie; Johnson of Howard on request of Renken of Grundy; Binneboese of Plymouth on request of Howell of Floyd; Jay of Appanoose on request of Sullivan of Van Buren and Holt of Clay, for a portion of the day, on request of Tofte of Winneshiek.

INTRODUCTION OF BILLS

House File 2126, by Van Maanen, a bill for an act to limit per diem and expenses to members of the general assembly in attendance at special sessions.

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

House File 2127, by Shull, a bill for an act relating to the electronic transfer of funds.

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

House File 2128, by Lind, a bill for an act relating to the disclosure of social security account numbers.

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

House File 2129, by Fey and Arnould, a bill for an act striking requirements for the reform of the schedule of assessment, levy, and collection of taxes by a special charter city.

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

House File 2130, by Hansen of O'Brien, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades.

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

House File 2131, by Chiodo, Woods and Renaud, a bill for an act to void the administrative rule of the department of environmental quality prohibiting the open burning of residential waste in certain cities.

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

House File 2132, by Harbor and Anderson of Audubon, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, and making it effective upon publication.

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

House File 2133, by Connolly, Welsh, Jochum, Lind, Poncy and Knapp, a bill for an act to appropriate funds for the costs of non-public school pupil transportation and to provide that the Act takes effect upon its publication.

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

House File 2134, by Renaud, a bill for an act requiring all school buses to be equipped with a white flashing strobe light, taking effect July 1, 1984.

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

House File 2135, by Daggett, a bill for an act relating to the maintenance of permanent soil conservation practices built with public cost-sharing funds.

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

House File 2136, by Daggett and Harbor, a bill for an act relating to the statements filed with the county recorder regarding soil conservation practices built with state cost-sharing funds.

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

House File 2137, by Rapp, a bill for an act relating to the sentences of inmates committed to the custody of the division of adult corrections of the department of social services, with various effective dates.

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

House File 2138, by Arnould, a bill for an act relating to the reporting of adult abuse, and providing penalties.

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

House File 2139, by O'Kane, a bill for an act to provide for reciprocity in hunting, fishing, or trapping on lands of Iowa and Nebraska which are separated from their state by the Missouri river.

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

House File 2140, by Hanson of Delaware, a bill for an act relating to the reporting of fruit-trees and forest reservations to the state conservation commission.

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

House File 2141, by Brandt, Clark of Cerro Gordo, McKean, Hanson of Delaware, Lloyd-Jones and Carl, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a parent or a grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

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

House File 2142, by Krewson, a bill for an act exempting animal shelters from complying with requests by authorized institutions for dogs for use in scientific research.

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

House File 2143, by Johnson of Woodbury, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

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

House File 2144, by Johnson of Woodbury, a bill for an act relating to the publication of financial statements by the boards of merged areas.

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

House File 2145, by Johnson of Woodbury and Oxley, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area.

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

House File 2146, by Schroeder, a bill for an act relating to the hours of sale, dispensation, or consumption of beer or alcoholic

beverages in a border city premises covered by a liquor control license or beer permit.

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

House File 2147, by committee on education, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area.

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

House File 2148, by Clements, a bill for an act relating to teaching of the free enterprise economic system in grades nine through twelve.

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

House File 2149, by Clements, a bill for an act changing the maximum hours of duty for fire fighters.

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

House File 2150, by Harbor, a bill for an act allowing drivers of motor vehicles equipped with horns that play school fight songs to use these horns when driving upon a highway.

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

House File 2151, by Shull, a bill for an act relating to the practice of physical therapy.

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

House File 2152, by Shull, a bill for an act specifying rate of interest allowed upon extension, renewal, or amendment of a prior agreement, and taking effect upon publication.

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

House File 2153, by Shull, a bill for an act authorizing and providing for the regulation of the sale of title insurance.

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

House File 2154, by Pellett, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors.

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

House File 2155; by Brandt and Howell, a bill for an act to encourage the development of co-generation equipment by providing a corporate income tax credit for the equipment and by prohibiting certain government regulation concerning the construction and operation of facilities using co-generation equipment and making portions of the Act retroactive.

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

House File 2156, by Mann, Halvorson of Clayton, Cook, Anderson of Audubon, Lageschulte, Schnekloth, De Groot, and Van Maanen, a bill for an act prohibiting the use, possession, delivery, manufacture, and advertisement of drug-related objects with the intent that the objects will be used in connection with an illegal use of controlled substances, and providing for civil forfeiture and criminal penalties.

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

House File 2157, by Lind, Brandt and Running, a bill for an act prohibiting the manufacture, possession, and delivery of imitation controlled substances and providing penalties.

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

House File 2158, by committee on judiciary and law enforcement, a bill for an act relating to the collection of filing and docketing fees for indictments or informations.

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

House File 2159, by Doderer and Smith, a bill for an act relating to the projects for which industrial revenue bonds may be issued

under chapter 419 by including land, buildings, or improvements used by a facility or installation to generate hydroelectric power.

Read first time and referred to committee on cities.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 20, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 846, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

Also: That the Senate has on January 20, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 38, honoring Code Editor Wayne A. Faupel for 50 years of service to the state of Iowa.

Also: That the Senate has on January 20, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 270, a bill for an act relating to extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday.

Also: That the Senate has on January 20, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 474, a bill for an act relating to the tort liability of governmental subdivisions.

K. MARIE THAYER, Secretary

The House stood at ease at 10:15 a.m. until the fall of the gavel.

The House resumed session at 11:25 a.m., Speaker Stromer in the chair.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 518, a bill for an act relating to the registration of foreign support orders under Iowa's uniform support of dependents law, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 518)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hoffmann-Bright	Horn	Howell
Hummel	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 14:

Binneboese	Clark, B. J.	Hanson, D.	Harbor
Holt	Jay	Jochum	Johnson, J.
Miller	O'Kane	Rapp	Sturgeon
Walter	Welsh		

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

House File 2034, a bill for an act relating to state bank investment in bonds and notes issued by the Iowa family farm development authority, with report of committee recommending amendment and passage was taken up for consideration.

Johnson of Linn offered the following amendment H—5003 filed by the committee on commerce and moved its adoption:

H—5003

- 1 Amend House File 2034, as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "Sec. 3. This Act, being deemed of immediate
- 5 importance, takes effect from and after its publication
- 6 in the Monona Billboard, a newspaper published in
- 7 Monona, Iowa, and in the Audubon News-Advocate, a
- 8 newspaper published in Audubon, Iowa."

The committee amendment H—5003 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2034)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Horn	Howell	Hummel	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 10:

Binnehoese	Clark, B. J.	Holt	Jay
Jochum	Johnson, J.	Miller	O'Kane
Sturgeon	Walter		

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

HOUSE FILE 2059 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2059 be deferred and that the bill retain its place on the calendar.

House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2090)

The ayes were, 68:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Carpenter	Chiodo	Clark, J. H.	Clements
Cochran	Conlon	Cook	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gross
Groth	Halvorson, R. A.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Howell	Hummel
Johnson, R.	Johnson, W.	Lageschulte	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	Pellett
Petrick	Poffenberger	Pope	Rapp
Renken	Ritsema	Rosenberg	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker

The nays were, 21:

Byerly	Carl	Connolly	Connors
Corey	Crabb	Gettings	Hall
Halvorson, R. N.	Harbor	Horn	Knapp
Krewson	Lind	Oxley	Pavich
Pelton	Poncy	Renaud	Running
Welsh			

Absent or not voting, 10:

Binneboese	Clark, B. J.	Danker	Jay
Jochum	Johnson, J.	Miller	O'Kane
Sturgeon	Walter		

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

HOUSE FILES 494 AND 748 DEFERRED

Pope of Polk asked and received unanimous consent that House Files 494 and 748 be deferred and that the bills retain their place on the calendar.

Senate File 277, a bill for an act to authorize the director of the division of adult corrections of the department of social services to implement an inmate employment program, with report of committee recommending passage, was taken up for consideration.

Clements of Scott asked and received unanimous consent to withdraw amendment H—5014 filed by him on January 21, 1982.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—3832 filed by him on April 27, 1981 and found on page 2446 of the 1981 House Journal.

With the withdrawal of amendment H—3832 by Smalley of Polk, the following amendments were ruled out of order:

H—5008 filed by Spear of Lee on January 21, 1982.

H—5009 filed by Spear of Lee on January 21, 1982.

H—5013 filed by Spear of Lee on January 21, 1982.

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

On the question "Shall the bill pass?" (S.F. 277)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were none.

Absent or not voting, 9:

Binneboese	Clark, B. J.	Jay	Jochum
Johnson, J.	Miller	O'Kane	Sturgeon
Walter			

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

Hanson of Delaware in the chair at 12:10 p.m.

HOUSE CONCURRENT RESOLUTION 106

By Lind

- 1 *Whereas*, the members of the General Assembly have noticed
- 2 that certain persons working in state government correspond
- 3 and write reports in language understandable only to persons
- 4 within the particular department or agency; and
- 5 *Whereas*, this correspondence and these reports are sent to

- 6 and used by members of the general public; and
7 *Whereas*, it is often difficult for members of the general
8 public to understand "intra-agency" terminology; *Now There-*
9 *fore,*
10 *Be It Resolved by the House of Representatives, the Senate*
11 *Concurring*, That the head of each department and agency of
12 state government is urged to direct its staff to correspond
13 and write reports in a clear and coherent manner, using well-
14 understood words of everyday meanings; and
15 *Be It Further Resolved*, That the General Assembly requests
16 that this resolution be published in the Iowa Administrative
17 Bulletin.

Laid over under Rule 30.

SPONSOR ADDED
(House File 2041)

Mullins of Kossuth requested to be added as a sponsor of House File 2041.

STANDING COMMITTEE APPOINTMENT

The Speaker announced the following appointment to a standing committee of the House:

Poffenberger, Virginia — Committee on Judiciary and Law Enforcement, Vice-chair

ASSIGNMENT OF SEAT IN PRESS GALLERY

The following named person represents accredited radio stations and is entitled to a seat in the East Press Gallery:

KIOA-KMGK News Barbara Bryant

PROOF OF PUBLICATION
(House File 2154)

Published copy of House File 2154 and verified proof of publication of said bill in The Times, a weekly newspaper printed and published in Guthrie Center, Guthrie County, Iowa, on January 13, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMUNICATION RECEIVED

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

PROFESSIONAL AND OCCUPATIONAL REGULATION COMMISSION

An Annual Report with evaluations and recommendations, pursuant to Chapter 2B.3 (1), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 579 Human Resources**

Adding mental health professionals to the list of persons who are not required to disclose confidential communications in court proceedings.

S.B. 580 Judiciary and Law Enforcement

Relating to mandatory restitution by defendants in criminal actions, and providing for administration of restitution plans, and providing sanctions for willful failures to comply with restitution orders.

S.B. 581 State Government

Relating to senate holdover provisions contained in chapter 1, Acts of the Sixty-ninth General Assembly, Second Extraordinary 1981 Session, concerning elections under legislative redistricting effective for the 1982 general election.

S.B. 582 State Government

To provide uniform bidding procedures for public improvements with an estimated cost exceeding twenty-five thousand dollars for the state and its political subdivisions.

S.B. 583 Commerce

Relating to the rate of interest allowed upon a judgment in favor of a dissenting shareholder.

S.B. 584 Natural Resources

To provide for the termination of a water withdrawal permit for nonuse.

S.B. 585 Natural Resources

Relating to standards for water well construction and pumping equipment installation.

S.B. 586 Judiciary and Law Enforcement

Relating to the manner of establishing certain fees and compensation in probate.

S.B. 587 Judiciary and Law Enforcement

Relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

S.B. 588 Judiciary and Law Enforcement

Relating to the hearing of small claims appeals.

S.B. 589 Judiciary and Law Enforcement

Prohibiting the use, possession, delivery, manufacture, and advertisement of drug-related objects with the intent that the objects will be used in connection with an illegal use of controlled substances, and providing for civil forfeiture and criminal penalties.

S.B. 590 Judiciary and Law Enforcement

Correcting chapter 805, as necessary to assure that court costs are six dollars in all misdemeanor cases originating out of a citation issued by a peace officer.

S.B. 591 Natural Resources

To provide for the development and implementation of land use policy recommendations.

S.B. 592 Natural Resources

To provide the Iowa natural resources council with authority to require compensation for well interference.

S.B. 593 State Government

Creating the office of criminal justice analysis and the criminal justice advisory council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission.

S.B. 594 State Government

To reorganize the Office for Planning and Programming by establishing a Governor's Youth Corps program, transferring the appointing authority for the State Building Code from the division of municipal affairs of the Office for Planning and Programming to the Commissioner of Public Safety, and repealing Chapter 387, entitled the Rural Community Development Act.

S.B. 595 Education

Relating to the requirements for compulsory school attendance for children attending certain private schools and children receiving private instruction.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5017.

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5016.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 510, as amended), relating to the state income and franchise taxes, updating references to the Internal Revenue Code and making certain provisions of the Act retroactive.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5015	S.F. 474	Senate Amendment
H-5016	S.J.R. 6	Committee on State Government
H-5017	S.F. 397	Committee on County Government

On motion by Pope of Polk, the House adjourned at 12:20 p.m., until 9:00 a.m., Tuesday, January 26, 1982.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day—Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 26, 1982

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

Prayer was offered by the Father Robert Hedges, pastor of St. Timothy's Episcopal Church, West Des Moines.

The Journal of Monday, January 25, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Heitman, Des Moines.

HOUSE FILES 199 AND 351 WITHDRAWN

Mullins of Kossuth asked and received unanimous consent to withdraw House Files 199 and 351 from further consideration by the House.

HOUSE FILE 760 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 760 from further consideration by the House.

COMMITTEE APPOINTMENT

The Speaker asked and received unanimous consent that Welden of Hardin be appointed to the Social Services Appropriations Subcommittee.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Harbor of Mills called up for consideration House Concurrent Resolution 105, congratulating the 1981 University of Iowa Football Team on its trip to the Rose Bowl filed on January 20, 1982 and found on page 113 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

House File 2160, by Brandt, a bill for an act relating to city and county assessors' offices by making assessors and deputy assessors state employees, providing for appointment of assessors by the director of revenue, and providing for the payment of the salaries of the assessors and deputies by the department of revenue.

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

House File 2161, by Renaud, a bill for an act providing that certain peace officers and fire fighters shall be excused from jury duty at times when their presence on the job is essential, and providing a January 1 effective date.

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

House File 2162, by Avenson, a bill for an act relating to proof of financial responsibility for motorized bicycles.

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

House File 2163, by Trucano, a bill for an act relating to the voluntary admission of a minor who has been adjudicated a child in need of assistance to a hospital for the treatment of mental illness.

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

House File 2164, by Shull, a bill for an act relating to lending practices, security for loans and interest rates which may be charged on loans and credit sales, effective upon publication.

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

House File 2165, by O'Kane, a bill for an act relating to the powers and duties of the administrative rules review committee.

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

House File 2166, by Howell, a bill for an act relating to the jurisdiction of county conservation employees who are peace officers.

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

House File 2167, by Groth, a bill for an act relating to the school year of a school corporation.

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

House File 2168, by Lageschulte, a bill for an act establishing a precious metal dealer's license and providing a penalty.

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

House File 2169, by Clements, a bill for an act exempting certain income derived from the sale of a gasoline-saving device from individual and corporate income tax for tax years beginning on or after January 1, 1982.

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

House File 2170, by Connors, Jochum, Poncy, Sturgeon, Cochran, Byerly, Chiodo, Gettings and Horn, a bill for an act relating to the base period upon which unemployment compensation benefits are computed for certain individuals receiving workers' compensation benefits.

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

House File 2171, by committee on ways and means, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication.

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

SENATE MESSAGE CONSIDERED

Senate File 270, by Carney, Tieden and Miller of Des Moines, a bill for an act relating to extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 21, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 823, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction.

Also: That the Senate has on January 21, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property.

Also: That the Senate has on January 21, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

K. MARIE THAYER, Secretary

SPONSORS ADDED (House File 2132)

Danker of Pottawattamie requested to be added as a sponsor of House File 2132.

(House File 2149)

Pavich of Pottawattamie, Tofte of Winneshiek, Woods of Polk and Krewson of Polk requested to be added as sponsors of House File 2149.

(House File 2157)

Mann of Greene requested to be added as a sponsor of House File 2157.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 596 Education

Relating to the method of election of boards of directors of reorganized school districts.

S.B. 597 Education

Relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

S.B. 598 Education

Relating to health education requirements.

S.B. 599 Education

To continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

S.B. 600 Judiciary and Law Enforcement

Relating to the confidentiality of certain records of juveniles and removing a penalty.

S.B. 601 Judiciary and Law Enforcement

Relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

S.B. 602 State Government

Relating to the requirements for certifications as an ophthalmic dispenser.

HOUSE CONCURRENT RESOLUTION 107

By Johnson of Woodbury and Crabb

1 *Whereas*, the Missouri river forms Iowa's western boundary
2 from Sioux City south to the Missouri state line and is an
3 important natural resource for Iowa; and

4 *Whereas*, the Missouri river, as it flows along western
5 Iowa, provides water supplies for municipal, industrial, and
6 agricultural uses as well as serving as a portion of the
7 inland waterway navigation system providing economical
8 transportation for Iowa's goods; and

9 *Whereas*, the Missouri river ecological and recreational
10 values along Iowa's western border have already been diminished
11 due to channelization and degradation of the river bed; and

12 *Whereas*, there are several proposals to divert water from
13 the Missouri river upstream of Iowa for use in energy
14 production and transportation and for replacing underground
15 water in the High Plains region, and the water sale between
16 South Dakota and Energy Transportation Systems, Inc. shows
17 that large-scale diversion of Missouri river water out of
18 the basin is a serious possibility; and

19 *Whereas*, the control of water resources is a responsibility
20 and right of the sovereign states; and

21 *Whereas*, there is presently no mechanism existing that
22 protects the interests of downstream states such as Iowa or
23 allows the downstream states to be involved in the approval
24 of out-of-basin diversions; and

25 *Whereas*, the general assembly of this state desires to
26 form a compact with the states of Colorado, Kansas, Minnesota,
27 Missouri, Montana, Nebraska, North Dakota, South Dakota, and
28 Wyoming for the purpose of involving all the states of the
29 Missouri river basin in the decisions to allow out-of-basin
30 diversion of water and other water uses within the basin;

Page 2

1 *Now Therefore,*

2 *Be It Resolved by the House of Representatives, the Senate*
3 *Concurring*, That the governor through the Missouri river coor-
4 dinator is requested to communicate this resolution to the
5 states of Colorado, Kansas, Minnesota, Missouri, Montana,
6 Nebraska, North Dakota, South Dakota, and Wyoming, and to
7 negotiate on behalf of the state of Iowa with those states
8 a compact which protects Iowa's interests in the Missouri
9 river and involves Iowa in the decisions affecting future
10 diversion from the Missouri river, and to report to the general
11 assembly on the actions taken and the status of the
12 negotiations of the compact.

Laid over under Rule 30.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2003, a bill for an act to legalize the sale of certain property in Rolfe, Pocahontas county, Iowa.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON NATURAL RESOURCES

Senate File 294, a bill for an act relating to taxidermy and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENT FILED

H—5018

H.F. 823

Senate Amendment

On motion by Pope of Polk, the House adjourned at 9:15 a.m., until 9:00 a.m., Wednesday, January 27, 1982.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day—Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 27, 1982

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

Prayer was offered by the Reverend Cliff Isaacson, pastor of the First United Methodist Church, Algona.

The Journal of Tuesday, January 26, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Brian Heineman, Story City.

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Clements, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring voter approval of tax increases.

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

House File 2172, by De Groot, a bill for an act requiring food service establishments that serve imported meat or meat products to list the type of meat in the products, and providing penalties.

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

House File 2173, by Clements, a bill for an act relating to the projects for which industrial revenue bonds may be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

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

House File 2174, by Shull, a bill for an act providing for the inclusion of physical therapy services in contracts with nonprofit hospital or medical service corporations.

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

House File 2175, by Howell and Swartz, a bill for an act authorizing the establishment of uniform personnel policies and compensation plans for certain county employees.

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

House File 2176, by Howell, a bill for an act exempting residential care facilities from the requirements of the federal resident's bill of rights and requiring the mental health and mental retardation commission to adopt rules which apply a resident's bill of rights to residential care facilities.

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

House File 2177, by Trucano, a bill for an act relating to hospitalization and major medical claims filed against health service corporations and accident and health insurers.

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

House File 2178, by Holt, a bill for an act relating to the boundary lines of merged areas and area education agencies.

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

House File 2179, by Davitt, a bill for an act relating to the repayment by convicted indigent offenders of the costs of court-appointed counsel.

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

House File 2180, by Hanson of Delaware, Ritsema, Pelton, McKean, Bennett, Johnson of Linn, Smalley, Mann, Poffenberger, Clements and Clark of Lee, a bill for an act to grant authority for school districts to contract for educational services, to levy an educational services property tax in lieu of levying a property tax for additional allowable growth to raise money for educational services, to strike the authority of the state comptroller to send moneys for educational services to the area education agencies, and to provide that the Act takes effect for the school year beginning July 1, 1983.

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

House File 2181, by Clements, a bill for an act relating to termination of a human pregnancy by defining that human life begins at conception and by recognizing the unborn child's right to life.

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

House File 2182, by Swartz, a bill for an act relating to the agricultural land tax credit by providing eligibility requirements, providing for the filing of a claim for credit, and providing penalties.

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

House File 2183, by Clements, a bill for an act to exempt interest income from the state individual income tax with a January 1 effective date.

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

House File 2184, by Clements, a bill for an act relating to the requirement that a child over seven and under sixteen years of age receive instruction by a certified teacher.

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

House File 2185, by Norland, a bill for an act relating to the additional enrichment amount for a school's budget.

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

House File 2186, by Clements, a bill for an act striking a requirement that all approved public and nonpublic schools teach the educational program from a multicultural, nonsexist approach.

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

House File 2187, by Clements, a bill for an act relating to an individual income tax credit for providing care for the elderly or disabled adults and providing for a January 1 effective date.

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

House File 2188, by Norland, a bill for an act to prohibit trapping of fur-bearing animals within two hundred yards of a building inhabited by people or domestic livestock without the consent of the owner or tenant.

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

House File 2189, by Norland, a bill for an act relating to the computation of budget enrollment under the state school foundation program.

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

SENATE MESSAGE CONSIDERED

Senate File 574, by committee on ways and means, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property.

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

HOUSE FILE 2125 REREFERRED

The Speaker announced that House File 2125, previously referred to the committee on **county government** is rereferred to the committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 25, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 783, a bill for an act relating to the licensing and examining boards, including the board of medical examiners, and providing a penalty.

Also: That the Senate has on January 25, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 857, a bill for an act to legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract.

K. MARIE THAYER, Secretary

HOUSE RESOLUTION 102

By Sturgeon, Connors, Pavich, Poncy, Gettings, Binneboese, Howell, Conlon, Doderer, Groth, Oxley, Anderson of Jasper, Norland, Swartz, Ritsema, Hansen of O'Brien, Spear, Lloyd-Jones and Avenson

- 1 *Whereas*, Franklin Delano Roosevelt served as
- 2 President of the United States from 1933 to 1945,
- 3 longer than any other American President, and
- 4 *Whereas*, President Roosevelt successfully led
- 5 America through its two greatest crises of this
- 6 century — the Great Depression and World War II, and
- 7 *Whereas*, President Roosevelt brought the United
- 8 States to a preeminent position in world affairs, and
- 9 *Whereas*, President Roosevelt's innovative "New
- 10 Deal" ushered in three decades of unmatched prosperity
- 11 in America, and
- 12 *Whereas*, President Roosevelt was known for his
- 13 compassion for the average American and brought about
- 14 new freedoms for labor, women and the disadvantaged,
- 15 and
- 16 *Whereas*, President Roosevelt overcame severe physical
- 17 handicaps to become one of our greatest presidents, and
- 18 *Whereas*, January 30, 1982 marks the 100th anniversary
- 19 of the birth of Franklin D. Roosevelt, *Now Therefore*,
- 20 *Be It Resolved by the House of Representatives*, That
- 21 the House of Representatives officially honors Franklin
- 22 Delano Roosevelt on the 100th anniversary of his birth
- 23 and commemorates his achievements as President of the
- 24 United States.

Laid over under Rule 30.

HOUSE RESOLUTION 103

By Carl, Pavich, Anderson of Jasper, Conlon, Mullins, McKean, Connors, Running, Carpenter, Jochum, Avenson and Sturgeon

- 1 *Whereas*, the working people of Poland have risen
- 2 in solidarity to achieve basic human rights to free
- 3 speech and open government, and
- 4 *Whereas*, the Communist government of Poland, in
- 5 cooperation with the government of the Soviet Union,
- 6 has imposed repressive measures to end any further
- 7 struggle for freedom, and
- 8 *Whereas*, the economic conditions in Poland are
- 9 characterized by extreme shortages of food, fuel,
- 10 clothing and other basic necessities, and
- 11 *Whereas*, the United States of America was born in
- 12 the spirit of independence from the tyranny of an
- 13 oppressive government, and
- 14 *Whereas*, the people of America support the people
- 15 of Poland in their struggle for freedom, and

16 *Whereas*, President Ronald Reagan has called on
17 Americans to recognize January 30, 1982 as Solidarity
18 Day with the people of Poland, *Now Therefore*,
19 *Be It Resolved by the House of Representatives*, That
20 January 30, 1982 shall be recognized in Iowa as
21 Solidarity Day to demonstrate our unity with the cause
22 of the people of Poland.

Laid over under Rule 30.

COMMUNICATION RECEIVED

A communication regarding changes in the following matters was received on January 27, 1982 from the Honorable W. W. Reynoldson, Chief Justice of the Supreme Court, and is on file in the office of the Chief Clerk:

Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill. (Pursuant to sections 229.40 and 684.19, Code of Iowa.)

Rules of Criminal Procedure. (Pursuant to sections 813.4 and 684.19, Code of Iowa.)

Rules of Civil Procedure. (Pursuant to sections 684.18 (1) and 684.19, Code of Iowa.)

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2171, a bill for an act relating to taxation by updating reference to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5019.

COMMITTEE ON COUNTY GOVERNMENT

House Concurrent Resolution, (Formerly Study Bill 529, as amended), a concurrent resolution relating to bridge and highway construction restrictions.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 532), relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

House File 84, a bill for an act relating to the definition of surviving spouse for the firemen's and policemen's pension funds.

Fiscal Note is required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H—5019

H.F. 2171

Committee on
Appropriations
Johnson of Linn

H—5020

H.F. 2117

On motion by Pope of Polk, the House adjourned at 9:19 a.m., until 9:00 a.m., Thursday, January 28, 1982.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day—Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 28, 1982

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

Prayer was offered by Dr. Wayne Hoffman, pastor of the Westminster Presbyterian Church, Des Moines.

The Journal of Wednesday, January 27, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, Harlan.

INTRODUCTION OF BILLS

House File 2190, by De Groot, a bill for an act relating to the axle and gross weight limitations on vehicles transporting livestock.

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

House File 2191, by Corey, a bill for an act relating to the expunging of records of certain misdemeanors committed prior to July 1, 1978.

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

House File 2192, by Johnson of Howard, a bill for an act to allow the movement of two trailers drawn by a motor truck up to a combined length of eighty-five feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business in the state.

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

House File 2193, by Mann, a bill for an act relating to the seizure or forfeiture, or both, of property used for, derived from, or realized through the commission of a felony.

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

House File 2194, by Horn, a bill for an act to prohibit the delivery, manufacture, and advertisement of drug-related objects with the intent that the objects will be used in connection with an illegal use of controlled substances, and providing for civil forfeiture and criminal penalties.

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

House File 2195, by Trucano and Smith, a bill for an act relating to the penalty for failure to pay or remit ninety percent of tax for state individual income taxes effective January 1 following enactment for returns due on or after January 1 following enactment.

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

House File 2196, by Clements, a bill for an act relating to a schedule of penalties, including fines and license revocations, for violations of the fish and game laws.

Read first time and referred to committee on natural resources.

House File 2197, by Brandt, Norland, Bruner, Woods, Anderson of Jasper, Howell, Sturgeon, Arnould, Lloyd-Jones and Carl, a bill for an act relating to the additional property tax relief for the elderly and disabled and the reduced tax rate for mobile homes by changing the income schedules used in determining the property tax credit or renters reimbursement or reduced tax rate, and providing a January 1 effective date.

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

House File 2198, by Johnson of Howard, a bill for an act relating to the delivery of a check when funds are insufficient for payment.

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

House File 2199, by Clements, a bill for an act to allow deduction of net capital gains from income for state individual and corporate income tax purposes and providing a January 1 effective date.

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

House File 2200, by O'Kane, a bill for an act relating to the interest penalty rate on delinquent property taxes.

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

House File 2201, by Carl, a bill for an act eliminating population restrictions on the acquisition and operation of health centers by counties.

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

House File 2202, by Doderer and Poffenberger, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate.

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

House File 2203, by Hanson of Delaware, Johnson of Linn and Woods, a bill for an act to repeal the special fifteen percent tax imposed on retail liquor licenses.

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

House File 2204, by Anderson of Audubon, a bill for an act to amend the definition of beer to prevent the manufacture and sale of low alcoholic content wines by the holder of a beer permit.

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

House File 2205, by Krewson, a bill for an act to provide for an addition to the state percent of growth under the state school foundation program to fund elementary guidance and counseling programs for school districts beginning with the school year commencing July 1, 1983.

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

House File 2206, by Groth, a bill for an act relating to the method of allocation of area education agency funds.

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

House File 2207, by Trucano, Harbor, Branstad, Smalley, Conlon, Van Maanen, Woods, De Groot, Renaud, Schneklath, Lageschulte, Tyrrell, Diemer, Maulsby, and Crabb, a bill for an act providing that juvenile offenders who are sixteen years of age or older shall be prosecuted as adults for all forcible felony offenses and that juvenile offenders who are less than sixteen years of age shall be prosecuted as adults for second and subsequent forcible felony offenses.

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

House File 2208, by Shull, a bill for an act relating to the definition of truth in lending.

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

House File 2209, by Doderer, a bill for an act to remove a limitation on the funds appropriated for financial incentives for soil conservation practices.

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

House File 2210, by Anderson of Jasper, Connors, Brandt, Dieleman, Spear, Running, Chiodo, Poncy, O'Kane, Jay, Groth, Lloyd-Jones, Rosenberg, Davitt, Doderer, Avenson and Gettings, a bill for an act to increase the jurisdictional amount of small claims court to two thousand five hundred dollars.

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

House File 2211, by Clements, a bill for an act to require married taxpayers who file separate individual income tax returns to itemize deductions if either person elects to do so and providing a January 1 effective date.

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

House File 2212, by Norland and Krewson, a bill for an act providing an individual income tax exemption for permanently and totally disabled persons for tax years beginning on or after January 1, 1982.

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

House File 2213, by Connors, a bill for an act relating to the juvenile justice law by allowing waiver of legal counsel by certain juveniles without the written consent of a parent, guardian, or custodian and by requiring disclosure of a juvenile's name and address to a victim, upon the request of the victim, under an informal adjustment of a juvenile complaint.

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

House File 2214, by Clements, a bill for an act relating to the rights of a parent or guardian of a child requiring special education.

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

House File 2215, by Chiodo, a bill for an act relating to the protection and preservation of archaeological sites and objects and providing penalties.

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

House File 2216, by Chiodo, a bill for an act relating to a prison overcrowding state of emergency.

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

House File 2217, by Gettings and Poncy, a bill for an act to allow persons sixty-five years of age or older to claim a double homestead tax credit and making the Act effective January 1 following enactment.

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

House File 2218, by Hansen of O'Brien, Clark of Lee, Harbor, Tofte, Tyrrell, Gross, Connors, Cochran, Woods, Diemer, Schroeder, Crabb, Maulsby, Danker, Johnson of Linn, Hall, Swartz, Anderson of Jasper, Oxley, Pellett, Johnson of Woodbury, Anderson of Audubon, Holt, De Groot, Halvorson of Webster, Sullivan, Dieleman, Pavich, Byerly, Renken, Welsh, Swearingen, Jochum, Lonergan, Clark of Cerro Gordo and Gettings, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

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

House File 2219, by Brandt, a bill for an act relating to the display of handicapped identification devices and providing a penalty.

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

ADOPTION OF HOUSE RESOLUTION 102

Sturgeon of Woodbury asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 102, honoring Franklin Delano Roosevelt on the one-hundredth anniversary of his birth filed on January 27, 1982 and found on page 173 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 103

Carl of Poweshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 103, recognizing January 30, 1982 as Solidarity Day filed on January 27, 1982 and found on pages 173 and 174 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 107

Johnson of Woodbury called up for consideration House Concurrent Resolution 107, relating to the formation of a compact involving all the states of the Missouri river basin in the decisions to allow out-of-basin diversion of water and other water used within the basin, filed on January 26, 1982 and found on page 167 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 106

Lind of Black Hawk called up for consideration House Concurrent Resolution 106, urging state departments to correspond and write reports in a clear and coherent manner using well understood words and everyday meanings, filed on January 25, 1982 and found on pages 156 and 157 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Pope of Polk the House was recessed at 9:38 a.m., until 11:45 a.m.

The House recovened, Speaker Stromer in the chair.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on January 28, 1982, he approved and transmitted to the Secretary of State the following bill:

Senate File 511, an act relating to the enforcement of judgement liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 603 Education**

To increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

S.B. 604 Judiciary and Law Enforcement

Creating a Criminal Justice Improvement Fund.

S.B. 605 Judiciary and Law Enforcement

Relating to statutory provisions for a Constitutional convention following the approval of a convention by the voters.

S.B. 606 Agriculture

Relating to the licensing of commercial weighing and measuring devices.

S.B. 607 Agriculture

Relating to soil conservation loan program.

S.B. 608 State Government

To create a department of personnel to design, implement and administer an integrated program of personnel management in state government by transferring the powers and duties of the Iowa merit employment department and the Iowa merit employment commission to the Iowa department of personnel, and the state personnel board, transferring certain powers and duties of the state educational radio and television facility board, the department of public instruction, the state board of regents, the commission for the blind, the office of the state comptroller, and the executive council of the state to the department of personnel, abolishing the Iowa merit employment department and the Iowa merit employment commission, making coordinating amendments to the Code, and subjecting violators to penalties.

S.B. 609 Judiciary and Law Enforcement

Making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals more uniform and consistent.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 583), relating to the rate of interest allowed upon a judgement in favor of a dissenting shareholder.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 552), to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in Section 586.1 of the Code.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 587, as amended), relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 588, as amended), relating to the hearing of small claims appeals.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON NATURAL RESOURCES

House File 114, a bill for an act requiring the state conservation commission to establish a rule to allow a handicapped individual to use a crossbow.

Fiscal Note is not required.

Recommended **Do Pass.**

Senate File 322, a bill for an act prohibiting certain uses of licenses issued by the state conservation commission and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly Study Bill 576), to permit revision of the hours of operations and services required of businesses to qualify for gas, food and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 577), relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

Fiscal Note is not required.

Recommended **Do Pass.**

On motion by Pope of Polk, the House adjourned at 11:48 a.m., until 9:00 a.m., Friday, January 29, 1982.

JOURNAL OF THE HOUSE

Nineteenth Calendar Day—Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 29, 1982

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

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Thursday, January 28, 1982 was approved.

Schroeder of Pottawattamie in the chair at 9:42 a.m.

INTRODUCTION OF BILLS

House Joint Resolution 2002, by Schnekloth, Conlon, Branstad, Corey, Harbor, Clements and Halvorson of Clayton, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the protection of taxpayers' rights by limiting taxes, revenue, spending, and related activities of the state and local governments.

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

House File 2220, by committee on judiciary and law enforcement, a bill for an act relating to criminal responsibility for the commission of a public offense while mentally ill.

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

House File 2221, by McKean, Doderer and Lloyd-Jones, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

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

House File 2222, by Pavich, a bill for an act relating to the off-premises sale of wine by class "B" and "C" liquor control licensees and class "C" beer permittees.

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

House File 2223, by Hall, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

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

House File 2224, by committee on county government, a bill for an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

Read first time and placed on the calendar.

House File 2225, by Groth, a bill for an act relating to the computation of state school foundation aid by allowing a two percent growth budget guarantee and changing the method of computing budget enrollment and providing that the Act takes effect upon its publication.

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

House File 2226, by Arnould, a bill for an act requiring the licensing of adult day care centers and providing a penalty.

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

House File 2227, by committee on commerce, a bill for an act relating to the rate of interest allowed upon a judgment in favor of a dissenting shareholder.

Read first time and placed on the calendar.

House File 2228, by Running, a bill for an act requiring the board of directors of a school corporation to notify the parent or legal guardian of a student who is a passenger in a school-owned vehicle which is involved in an accident.

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

House File 2229, by Clements, a bill for an act relating to the disclosure of the sentencing practices of judicial officers in criminal proceedings.

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

House File 2230, by Carpenter, a bill for an act exempting certain transfers and discharges of multi-level care facility residents covered by continuing care contracts, from the provisions of the residents' bill of rights.

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

House File 2231, by Spear and McKean, a bill for an act allowing cities and boards of supervisors to exclude certain persons confined to correctional institutions in drawing wards and precincts, taking effect upon its publication.

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

House File 2232, by Doderer and Smalley, a bill for an act establishing a precious metal dealer's license and providing a penalty.

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

House File 2233, by Swearingen, a bill for an act relating to the employer picking up the employee contributions required under the Iowa public employees' retirement system for purposes of federal and state income taxes.

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

House File 2234, by Clements, a bill for an act relating to the indexing provisions of the state individual income tax by providing for indexing at one hundred percent of the computed inflation factor, by providing for indexing of the standard deduction and personal exemption credits, and by repealing the requirement that the general fund contain sixty million dollars before indexing can occur.

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

House File 2235, by Poncy, a bill for an act to provide limited tax incentives for the improvement, repair, and maintenance of residential property by allowing a ten-year tax moratorium for certain improvements to buildings and by requiring that real estate be assessed as if repairs and maintenance had been performed, with certain exceptions, with a January 1 effective date.

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

House File 2236, by Poffenberger, a bill for an act establishing a two-year statute of limitations for actions pursuant to the uniform support of dependents law which seek to both establish paternity and to enforce the father's obligations.

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

House File 2237, by O'Kane and Connors, a bill for an act relating to the industrial commissioner's approval of settlements of contested workers' compensation cases appealed to the district court.

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

House File 2238, by Halvorson of Clayton, a bill for an act relating to motor vehicle insurance coverage required for motorized bicycles.

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

House File 2239, by Chiodo, a bill for an act banning the use and sale of the KTW bullet and any type of explosive bullet, except for use by certain persons, and providing a penalty.

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

House File 2240, by committee on judiciary and law enforcement, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229.

Read first time and placed on the calendar.

House File 2241, by Halvorson of Webster, a bill for an act relating to notice and filing of campaign finance disclosures and making civil penalties applicable.

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

House File 2242, by Schroeder, a bill for an act permitting border cities and counties to regulate beer and liquor control licensed establishments in certain respects.

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

House File 2243, by Bruner, Welsh, O'Kane, Arnould, Rosenberg, Pavich, Lonergan, Cochran, Connolly and Sullivan, a bill for an act exempting moneys invested in an individual retirement account from the state income tax when the account's assets are invested in certain ways.

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

House File 2244, by Rosenberg, a bill for an act relating to restitution to a victim or to the state or public under the informal adjustment and consent decree provisions of the juvenile justice law.

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

House File 2245, by Spear, a bill for an act providing for reimbursement or payment for certain health care services rendered by chiropractors and providing a January 1 effective date.

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

House File 2246, by Arnould, a bill for an act requiring the department of social services to study and recommend a proposal relating to elderly independent group homes.

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

House File 2247, by Arnould, a bill for an act relating to the obligations of employers in the event of plant closings, relocations, and work reductions, and providing a penalty.

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

House File 2248, by committee on judiciary and law enforcement, a bill for an act relating to the hearing of small claims appeals and to the time for appearance in small claims actions.

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

House File 2249, by committee on transportation, a bill for an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

Read first time and placed on the calendar.

House File 2250, by committee on transportation, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

Read first time and placed on the calendar.

House File 2251, by Trucano, a bill for an act to establish a computer systems council to review and recommend actions for agencies purchasing computer systems and making an appropriation.

Read first time and referred to committee on state government.

House File 2252, by Carl, a bill for an act allowing fraternal benefit societies to conduct games of skill, chance, and raffles as qualified organizations.

Read first time and referred to committee on state government.

House File 2253, by Maulsby, a bill for an act relating to the determination of pay adjustments for state employees.

Read first time and referred to committee on state government.

House File 2254, by Maulsby, a bill for an act making certain intangible property subject to taxation.

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

House File 2255, by Jay, a bill for an act relating to the imposition of a tax on the sale or transfer of an interest in agricultural land and providing penalties.

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

House File 2256, by Clements, a bill for an act providing that state printed matter may only be produced pursuant to certain conditions.

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

House File 2257, by Maulsby, a bill for an act providing for the listing and taxing of real property based on the property's net worth to the owner and to the mortgagee or contract seller.

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

House File 2258, by Horn, a bill for an act relating to the use and possession by a person under eighteen years of age, and the delivery, manufacture, and advertisement of drug-related objects with the intent that the objects will be used by a person under eighteen years of age in connection with an illegal use of controlled substances, and providing for civil forfeiture and criminal penalties.

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

House File 2259, by Rapp, Avenson, Lonergan, Dieleman, Bruner, Connolly, Connors, Running, Knapp, Swartz, Brandt, Fey, Cochran, Sullivan, Binneboese, Oxley, Sturgeon, Lloyd-Jones, Spear, Rosenberg and Pavich, a bill for an act to provide a tax credit for purposes of the state individual and corporate income tax for increasing employment over previous years, retroactive to January 1, 1982.

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

House File 2260, by Welsh, a bill for an act allowing the creation of a fair parking regulation board to regulate parking during the operation of a county or district fair, and providing a penalty.

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

House File 2261, by Avenson, a bill for an act to authorize the state conservation commission to establish a season for the taking of mourning doves.

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

House File 2262, by O'Kane, a bill for an act relating to the annual salary of the deputy clerks of the district court in a county having two locations at which the district court is held.

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

House File 2263, by O'Kane, a bill for an act relating to grave markers for veterans.

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

House File 2264, by Swartz, a bill for an act relating to mortgages to be filed with the county recorder and providing a civil penalty.

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

House File 2265, by Rosenberg, Brandt, Bruner, Fey, Pavich, Groth, Doderer, Jay, Lloyd-Jones, Halvorson of Webster and O'Kane, a bill for an act establishing an Iowa guaranteed public student loan program and providing an appropriation.

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

House File 2266, by Welsh, a bill for an act relating to the off-premises sale of alcoholic liquor creating a new class "E" liquor control license.

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

House File 2267, by Pavich, a bill for an act relating to creating a special fund based upon a percentage of rail assessments collected for use by the railway finance authority to subsidize rail passenger service within the state of Iowa.

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

House File 2268, by Welsh, a bill for an act relating to maintenance of local secondary roads.

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

House File 2269, by Connolly, a bill for an act relating to the deduction of contributions to individual retirement accounts in computing Iowa net income and making the Act retroactive to January 1, 1982 for tax years beginning on or after that date.

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

House File 2270, by Trucano, a bill for an act establishing a rate review committee within the department of social services and providing penalties.

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

House File 2271, by Bruner, a bill for an act establishing an Iowa small business authority.

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

House File 2272, by Norland, a bill for an act to limit the criminal or civil liability of donors of perishable and canned food to charitable or nonprofit organizations and the liability of the organizations.

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

House File 2273, by O'Kane, a bill for an act providing for a municipal mass transit fund and providing an appropriation from the road use tax fund.

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

House File 2274, by Brandt, a bill for an act to establish the Iowa consolidated retirement system, to abolish the public retirement systems established in chapters 97A, 97B, 410, 411, 412, and 605A, effective January 1, 1985, and to provide for the levying of a tax by political subdivisions.

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

House File 2275, by Conlon, a bill for an act relating to the state inheritance tax by conforming the state inheritance tax to certain provisions of the federal estate tax.

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

House File 2276, by Norland, a bill for an act prohibiting the parking of a vehicle if it blocks access to a farm field and allowing certain persons to move such a vehicle to gain access, and providing a penalty.

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

House File 2277, by Davitt, a bill for an act to revise the procedure for the filing of covenants for soil conservation cost-sharing agreements.

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

House File 2278, by Byerly, a bill for an act requiring the state to pay additional contributions to the IPERS fund and reducing employee salaries and contributions by the same amount.

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

House File 2279, by Brandt, a bill for an act relating to the inspection of vehicles and providing penalties.

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

House File 2280, by Carl, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges.

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

House File 2281, by Doderer and Lloyd-Jones, a bill for an act relating to the removal from the residence of an alleged sexual offender of a child in the same household.

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

House File 2282, by Pavich, a bill for an act to allow the secretary of state to appoint as a notary public a resident of a border state working in Iowa.

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

House File 2283, by Clark of Cerro Gordo, Doderer, Spear, Howell, Davitt and Egenes, a bill for an act relating to fee revisions regarding the probate code.

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

House File 2284, by Bruner, Sullivan, Sturgeon, Poncy, Dieleman, Brandt, Welsh, Carl, Renaud, Cochran, Rapp, Arnould, Anderson of Jasper, Knapp, Fey, Howell, Swartz, Rosenberg, Pavich, Lonergan and Connolly, a bill for an act creating an Iowa small business development bank.

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

House File 2285, by Connors, a bill for an act requiring the titling of vessels and outboard motors and providing penalties, with a January 1 effective date.

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

House File 2286, by Menke, a bill for an act to require the use of reflective devices on farm trailers and use of flashing yellow lights on farm trailers under certain conditions.

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

The House stood at ease at 10:03 a.m., until the fall of the gavel.

The House reconvened at 10:26 a.m., Schroeder of Pottawattamie in the chair.

INTRODUCTION OF BILLS

House File 2287, by Rosenberg, a bill for an act making an appropriation to the energy policy council for weatherization programs.

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

House File 2288, by Doderer and Schroeder, a bill for an act relating to the licensing of graduates of foreign dental schools.

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

House File 2289, by O'Kane, a bill for an act relating to the refund of a liquor control license fee.

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

House File 2290, by Maulsby, a bill for an act to repeal state foundation aid to school districts, to provide for the payment of state aid and for levying property tax by school districts on a uniform per pupil basis, and to provide that the Act takes effect for the school year beginning July 1, 1983.

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

House File 2291, by Maulsby, a bill for an act to repeal requirements that school districts provide transportation of public and nonpublic school pupils, to provide for funding of transportation outside the state school foundation program, to provide for a transportation property tax levy, and to provide that the Act takes effect for the school year beginning July 1, 1983.

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

House File 2292, by Clements, a bill for an act relating to a city's exercise of an easement for certain sewer, water, gas, or power lines.

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

House File 2293, by Connolly, Jochum and Lloyd-Jones, a bill for an act relating to reseeding the topsoil of open ditches with prairie grass seed.

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

House File 2294, by Clements, a bill for an act to require fiscal notes on proposed legislation and administrative rules which impose increased expenditures or fiscal liability, or reduce the revenues, of

the political subdivisions of this state, and to provide for delayed effective dates.

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

House File 2295, by Connolly, Jochum, Knapp and Welsh, a bill for an act relating to the acquisition of legal settlement on the basis of a time period for which a person receives county general relief or certain county residential support.

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

House File 2296, by Daggett, a bill for an act relating to the imposition of a penalty for late payment of taxes on a political subdivision of the state.

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

House File 2297, by Clements, a bill for an act requiring the department of public health and the state crippled children's service to obtain written consent of a parent or guardian of a child before releasing the name of the child to the state division of special education.

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

House File 2298, by Rosenberg, a bill for an act to appropriate funds to initiate a water resources data bank.

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

House File 2299, by Brandt, Krewson, Clark of Cerro Gordo and Norland, a bill for an act requiring the state comptroller to submit to the general assembly a list and statement of the fiscal impact of tax exemption devices.

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

House File 2300, by Clements, a bill for an act to authorize counties and cities to locally administer and fund certain state public assistance programs by providing for the levy of a property tax.

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

House File 2301, by Norland, a bill for an act requiring certification of persons who apply restricted use pesticides in domestic situations.

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

House File 2302, by Daggett, a bill for an act relating to the use of municipal sewage sludge as fertilizer.

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

House File 2303, by O'Kane, a bill for an act relating to the creation of the Iowa bridge improvement finance authority for the purpose of issuing bonds for the construction, maintenance, and improvement of bridges and providing an appropriation.

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

House File 2304, by O'Kane, a bill for an act to increase the maximum tax levy for the operation and maintenance of a municipal transit system.

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

House File 2305, by Schroeder, a bill for an act requiring ten percent of all agricultural excise taxes to be placed in a special fund to be used by the state soil conservation committee for permanent soil erosion control.

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

House File 2306, by Johnson of Woodbury, a bill for an act establishing a commission on adoption and authorizing certain search agencies to provide access on behalf of adoptees to certain adoption records.

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

House File 2307, by Schroeder, a bill for an act relating to the reduction of charges by pharmacies to private, third-party prescription drug plans and the state medical assistance program.

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

House File 2308, by O'Kane, a bill for an act including water-works and related facilities within the definition of essential corporate purpose.

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

House File 2309, by Krewson, Brandt, Trucano, Swartz, Mullins, Rapp, Carpenter, Clark of Cerro Gordo, Sturgeon, Halvorson of Webster, Poffenberger, Bruner, Carl, McKean, Lloyd-Jones, Connolly, Arnould and Daggett, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

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

House File 2310, by Clements, a bill for an act to provide for an income tax deduction for education expenses with a January 1 effective date.

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

House File 2311, by Trucano, a bill for an act establishing a long-term care ombudsman program within the commission on the aging and shifting the responsibility for the care review committees from the department of health to the commission on the aging.

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

House File 2312, by Petrick, a bill for an act to allow an investment tax credit for conservation tillage equipment purchased by an individual who has purchased the equipment with funds received under the family farm development Act and providing a January 1 effective date.

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

House File 2313, by Sturgeon, Rosenberg, Fey, Knapp, Bruner, O'Kane, Rapp and Brandt, a bill for an act creating a citizens' residential utility board, and providing penalties, and a January 1 effective date.

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

House File 2314, by Davitt, Bruner and Rosenberg, a bill for an act to appropriate the bequest of Glenn G. Herrick to the state for the use of the youth conservation corps.

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

House File 2315, by Schroeder, Woods and Trucano, a bill for an act relating to zoning regulations for manufactured housing.

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

House File 2316, by Anderson of Jasper, a bill for an act relating to the net income of a corporation which is subject to the state corporate income tax.

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

House File 2317, by Rapp, a bill for an act authorizing the state of Iowa to become indebted in the amount of thirty million dollars and providing for the issue and sale of bonds of the state in evidence of that indebtedness, to procure funds for the construction of certain correction facilities in the state and providing for submission of this Act to the people to be voted upon at the general election to be held in November, 1982, and taking effect upon its adoption and approval at the election.

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

House File 2318, by Hanson of Delaware, Welsh, Swearingen, Krewson, Halvorson of Clayton, Jay and Davitt, a bill for an act relating to telephone rates for volunteer fire departments.

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

House File 2319, by Trucano, a bill for an act requiring counseling for a child against which two legally sufficient complaints have been filed.

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

House File 2320, by O'Kane, a bill for an act providing a registration fee for farm trailers operated on the highways of this state and providing a December 1 effective date.

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

House File 2321, by O'Kane, a bill for an act exempting from the state sales, services, and use tax the gross receipts from the sale, furnishing, or service of water by a city or county.

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

House File 2322, by Brandt, a bill for an act to establish the employee and community assistance division within the department of job service, requiring prior notice to affected employees and communities of business closings, relocations, and reductions of operations, requiring businesses to make severance payments to employees who lose their jobs and to make payments to cities and counties affected by a closing, relocation, or reduction of operations and providing civil and criminal penalties.

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

House File 2323, by Brandt, a bill for an act establishing an employment incentive and loan program within the department of job service, and making an appropriation.

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

House File 2324, by Rosenberg and O'Kane, a bill for an act prohibiting the termination of natural gas and electrical services to residences because of nonpayment of accounts between November 1 of any year and April 1 of the following year, and providing remedies.

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

House File 2325, by Brandt, a bill for an act combining the powers and duties of the industrial commissioner and the labor commissioner into a department of labor and industrial relations, and incorporating penalties.

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

House File 2326, by Clements, a bill for an act relating to the requirements of work and training programs established by the department of social services for certain public assistance recipients.

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

House File 2327, by Schnekloth, a bill for an act requiring individuals, partnerships, and corporations providing farm management services to register with the secretary of state, providing a schedule of fees and a penalty.

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

House File 2328, by Swartz, a bill for an act imposing a tax on the purchase of alcoholic beverages, increasing the barrel tax on beer, and providing for the distribution and use of the funds for local substance abuse programs.

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

House File 2329, by Cochran, a bill for an act relating to the taxation of the sale of food for human consumption under the state sales, services and use tax, providing an exemption from the taxation and that the revenues be used for soil conservation purposes and making an appropriation.

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

House File 2330, by Chiodo, a bill for an act related to loans to small businesses.

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

House File 2331, by Renken, a bill for an act relating to certain natural resource agencies of the state and the regulation and use of natural resources; by creating a department of land and water resources and a land and water resources commission; transferring the powers and duties of the Iowa natural resources council and the department of soil conservation to the department of land and water resources and the Iowa state commerce commission; making coordinating amendments to the Code; and subjecting violators to penalties.

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

HOUSE FILE 2218 REREFERRED

The Speaker announced that House File 2218 previously referred to committee on **judiciary and law enforcement** was rereferred to committee on **county government**.

SUBCOMMITTEE ASSIGNMENTS

House File 102 (Reassigned)

State Government: Swearingen, Chair; Clark of Cerro Gordo and Brandt.

House File 117 (Reassigned)

State Government: Anderson of Audubon, Chair; Hanson of Delaware and Brandt.

House File 118 (Reassigned)

State Government: Anderson of Audubon, Chair; Hanson of Delaware and Brandt.

House File 137 (Reassigned)

Education: Petrick, Chair; Johnson of Woodbury, Johnson of Howard, Rosenberg and Spear.

House File 152 (Reassigned)

State Government: Anderson of Audubon, Chair; Hanson of Delaware and Brandt.

House File 162 (Reassigned)

State Government: Lageschulte, Chair; Smith and Woods.

House File 185 (Reassigned)

State Government: Swearingen, Chair; Anderson of Audubon and Arnould.

House File 193 (Reassigned)

State Government: Anderson of Audubon, Chair; Lageschulte and Anderson of Jasper.

House File 228 (Reassigned)

State Government: Harbor, Chair; Trucano and Doderer.

House File 267 (Reassigned)

State Government: Tofte, Chair; Hanson of Delaware and Doderer.

House File 268 (Reassigned)

State Government: Swearingen, Chair; Lageschulte and Brandt.

House File 297 (Reassigned)

State Government: Tofte, Chair; Smith and Chiodo.

House File 307 (Reassigned)

State Government: Anderson of Audubon, Chair; Hanson of Delaware and Brandt.

House File 325 (Reassigned)

State Government: Harbor, Chair; Crabb and Halvorson of Webster.

House File 338 (Reassigned)

State Government: Lageschulte, Chair; Woods and Smith.

House File 382 (Reassigned)

State Government: Lageschulte, Chair; Woods and Smith.

House File 384 (Reassigned)

State Government: Anderson of Audubon, Chair; Hanson of Delaware and Brandt.

House File 436 (Reassigned)

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

House File 483 (Reassigned)

Education: Swearingen, Chair; Clements and Lonergan.

House File 500 (Reassigned)

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo, Trucano, Welsh and Doderer.

House File 536 (Reassigned)

State Government: Smith, Chair; Brandt and Hanson of Delaware.

House File 562 (Reassigned)

State Government: Hoffmann-Bright, Chair; Anderson of Audubon and Brandt.

House File 564 (Reassigned)

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

House File 592 (Reassigned)

State Government: Hanson of Delaware, Chair; Trucano and Arnould.

House File 619 (Reassigned)

State Government: Harbor, Chair; Carpenter and Chiodo.

House File 647 (Reassigned)

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

House File 650 (Reassigned)

State Government: Carpenter, Chair; Clark of Cerro Gordo and Doderer.

House File 708 (Reassigned)

State Government: Tofte, Chair; Trucano and Arnould

House File 712 (Reassigned)

State Government: Lageschulte, Chair; Smith and Woods.

House File 714 (Reassigned)

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo, Trucano, Doderer and Welsh.

House File 725 (Reassigned)

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Trucano, Dieleman and Brandt.

House File 827

County Government: Renken, Chair; Swartz and Hanson of Delaware .

House File 2016

Rules: Crabb, Chair; Holt and Lonergan.

House File 2019

Rules: Harbor, Chair; Pope and Byerly.

House File 2058

Education: Krewson, Chair; Swearingen and Jay.

House File 2065

Judiciary and Law Enforcement: Smalley, Chair; Clark of Cerro Gordo, Trucano, Doderer and Welsh.

House File 2076

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

House File 2080

Labor and Industrial Relations: Conlon, Chair; Hummel and Pavich.

House File 2081

Cities: Clark of Lee, Chair; Johnson of Linn and O'Kane.

House File 2083

Agriculture: McKean, Chair; Stueland and Halvorson of Webster.

House File 2086 (Reassigned)

State Government: Clark of Cerro Gordo, Chair; Chiodo and Lageschulte.

House File 2092

Education: Johnson of Howard, Chair; Maulsby and Jay.

House File 2094

Ways and Means: Krewson, Chair; Bennett and Pavich.

House File 2098

Transportation: Branstad, Chair; Menke and Oxley.

House File 2100

State Government: Anderson of Audubon, Chair; Anderson of Jasper and Smith.

House File 2101

Human Resources: Lonergan, Chair; Trucano and Daggett.

House File 2102

State Government: Smith, Chair; Crabb and Halvorson of Webster.

House File 2103

Transportation: Johnson of Woodbury, Chair; Bruner and Schroeder.

House File 2104

Transportation: Lageschulte, Chair; Binneboese and Mann.

House File 2106

Energy: Van Maanen, Chair; Davitt, Sullivan, Danker and Johnson of Woodbury.

House File 2107

State Government: Crabb, Chair; Hanson of Delaware and Arnould.

House File 2108

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 2109

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Brandt, Dieleman and Trucano.

House File 2110

Ways and Means: Lageschulte, Chair; Carpenter and Dieleman.

House File 2115

Ways and Means: Bennett, Chair; Daggett and Davitt.

House File 2116

State Government: Smith, Chair; Doderer and Tofte.

House File 2117

Judiciary and Law Enforcement: Ritsema, Chair; Poffenberger, Brandt, Clark of Cerro Gordo and Rosenberg.

House File 2118

State Government: Harbor, Chair; Crabb and Fey.

House File 2119

Ways and Means: Diemer, Chair; Conlon and Chiodo.

House File 2122

Agriculture: Crabb, Chair; Tyrrell and Sullivan.

House File 2123

Agriculture: Bennett, Chair; Cook and Dieleman.

House File 2124

State Government: Hanson of Delaware, Chair; Carpenter, Doderer, Halvorson of Webster and Lageschulte.

House File 2126

State Government: Smith, Chair; Anderson of Jasper and Carpenter.

House File 2127

Commerce: Schroeder, Chair; Chiodo and Johnson of Linn.

House File 2128

State Government: Carpenter, Chair; Anderson of Audubon and Arnould.

House File 2130

Education: Swearingen, Chair; Petrick and Horn.

House File 2131

Cities: Clements, Chair; Tyrrell and Connors.

House File 2132

Transportation: Schroeder, Chair; Branstad and Lloyd-Jones.

House File 2134

Transportation: Mann, Chair; Johnson of Woodbury and Bruner.

House File 2135

Agriculture: Stueland, Chair; Hummel and Halvorson of Webster.

House File 2137

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

House File 2138

Human Resources: McKean, Chair; Carl, Arnould, Daggett, De Groot, Knapp, Maulsby, Running and Trucano.

House File 2139

Natural Resources: Anderson of Audubon, Chair; Bennett and Groth.

House File 2140

Ways and Means: Hanson of Delaware, Chair; Petrick and Cochran.

House File 2141

Ways and Means: Shull, Chair; Diemer and Brandt.

House File 2143

Education: Lind, Chair; Holt and Anderson of Jasper.

House File 2144

Education: Lind, Chair; Holt and Anderson of Jasper.

House File 2146

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2148

Education: Maulsby, Chair; Holt and Rosenberg.

House File 2150

Transportation: Pellett, Chair; Danker and Woods.

House File 2151

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 2152

Commerce: Schroeder, Chair; Chiodo and Johnson of Linn.

House File 2153

Commerce: Johnson of Linn, Chair; Halvorson of Clayton and Swartz.

House File 2154

Judiciary and Law Enforcement: Conlon, Chair; Arnould and Jay.

House File 2155

Ways and Means: McKean, Chair; Hanson of Delaware and Connolly.

House File 2156

Judiciary and Law Enforcement: Smalley, Chair; Corey, Johnson of Howard, Sturgeon and Rapp.

House File 2157

Judiciary and Law Enforcement: Smalley, Chair; Johnson of Howard, Corey, Rapp and Sturgeon.

House File 2159

Cities: Shull, Chair; Smith and Running.

House File 2161

Judiciary and Law Enforcement: Conlon, Chair; Brandt and Pelton.

House File 2162

Commerce: Hoffmann-Bright, Chair; Halvorson of Clayton and Woods.

House File 2163

Judiciary and Law Enforcement: Smalley, Chair; Trucano, Poffenberger, Doderer and Welsh.

House File 2164

Commerce: Schroeder, Chair; Chiodo and Johnson of Linn.

House File 2167

Education: Menke, Chair; Petrick and Poncy.

House File 2170

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

House File 2172

Agriculture: Corey, Chair; De Groot and Chiodo.

House File 2176

Human Resources: McKean, Chair; Carl, Daggett, Knapp, Maulsby, Running, Trucano, De Groot and Arnould.

House File 2178

Education: Mann, Chair; Ritsema and Connolly.

House File 2179

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Trucano.

House File 2180

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2181

Judiciary and Law Enforcement: Smalley, Chair; Welsh and Doderer.

House File 2185

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2189

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2205

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2206

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Senate File 24 (Reassigned)

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

Senate File 209

County Government: Schroeder, Chair; Howell and Renken.

Senate File 293

County Government: Hanson of Delaware, Chair; Branstad and Swartz.

Senate File 395 (Reassigned)

State Government: Carpenter, Chair; Hoffmann-Bright and Anderson of Jasper.

Senate File 455

County Government: Branstad, Chair; Renaud and Hanson of Delaware.

Senate File 500

County Government: Renken, Chair; Swartz and Pelton.

Senate File 527

Judiciary and Law Enforcement: Smalley, Chair; Trucano, Poffenberger, Doderer and Welsh.

Senate File 535 (Reassigned)

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 87 (Reassigned)**

Cities: Smith, Chair; Hall, Hoffmann-Bright and Renaud.

Study Bill 190 (Reassigned)

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Study Bill 191 (Reassigned)

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Study Bill 562 (Reassigned)

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Study Bill 564

County Government: Schroeder, Chair; Gross and Renaud.

Study Bill 565

County Government: Branstad, Chair; Hanson of Delaware and Binneboese.

Study Bill 571

County Government: Renken, Chair; Swartz and Johnson of Linn.

Study Bill 574

Education: Ritsema, Chair; Holt, Clements, Anderson of Jasper and Rosenberg.

Study Bill 579

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

Study Bill 581

State Government: Hanson of Delaware, Chair; Carpenter, Doderer and Halvorson of Webster.

Study Bill 582

State Government: Trucano, Chair; Clark of Cerro Gordo and Dieleman.

Study Bill 583

Commerce: Schroeder, Chair; Chiodo and Smith.

Study Bill 584

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Study Bill 585

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Study Bill 586

Judiciary and Law Enforcement: Poffenberger, Chair; Brandt and Rapp.

Study Bill 587

Judiciary and Law Enforcement: Conlon, Chair; Doderer and Gross.

Study Bill 588

Judiciary and Law Enforcement: Conlon, Chair; Rosenberg and Pelton.

Study Bill 589

Judiciary and Law Enforcement: Smalley, Chair; Rapp, Sturgeon, Corey and Johnson of Howard.

Study Bill 590

Judiciary and Law Enforcement: Conlon, Chair; Sturgeon and Swartz.

Study Bill 591

Natural Resources: Smalley, Chair; Van Maanen, Pellett, Stueland, Hall, Cochran and Lloyd-Jones.

Study Bill 592

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Study Bill 594

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Brandt, Dieleman and Trucano.

Study Bill 595

Education: Johnson of Howard, Chair; Mann and Spear.

Study Bill 597

Education: Johnson of Woodbury, Chair; Menke and Horn.

Study Bill 599

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Study Bill 600

Judiciary and Law Enforcement: Smalley, Chair; Trucano, Poffenberger, Welsh and Doderer.

Study Bill 601

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Study Bill 602

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

Study Bill 603

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Study Bill 604

Judiciary and Law Enforcement: Trucano, Chair; Johnson of Howard, Corey, Arnould and Brandt.

Study Bill 606

Agriculture: Crabb, Chair; Mullins and Byerly.

Study Bill 607

Agriculture: Anderson of Audubon, Chair; De Groot and Dieleman.

AMENDMENTS FILED

H—5021 H.F. 2171

H—5022 H.F. 2171

Avenson of Fayette

Chiodo of Polk

Cochran of Webster

Doderer of Johnson

Bruner of Story

Hall of Linn

Welsh of Dubuque

Carl of Poweshiek

Rosenberg of Story

Sullivan of Van Buren

H—5023 H.F. 2171

Avenson of Fayette

Chiodo of Polk

Groth of Buena Vista

Gettings of Wapello

Doderer of Johnson

Connolly of Dubuque

Hall of Linn

Welsh of Dubuque

Lloyd-Jones of Johnson

Rosenberg of Story

Sullivan of Van Buren

Byerly of Polk

H—5024 H.F. 2171

H—5025 H.F. 2171

Doderer of Johnson

Norland of Worth

Anderson of Jasper

Groth of Buena Vista

Jay of Appanoose

Howell of Floyd

Connolly of Dubuque

Pavich of Pottawattamie

Lloyd-Jones of Johnson

Spear of Lee

Dieleman of Marion

Swartz of Marshall

Norland of Worth

Anderson of Jasper

Sturgeon of Woodbury

Cochran of Webster

Jay of Appanoose

Howell of Floyd

Renaud of Polk

Pavich of Pottawattamie

Carl of Poweshiek

Spear of Lee

Dieleman of Marion

Swartz of Marshall

Jochum of Dubuque

Swartz of Marshall

Norland of Worth

Anderson of Jasper

Lloyd-Jones of Johnson

Chiodo of Polk

Byerly of Polk

On motion by Pope of Polk, the House adjourned at 10:40 a.m., until 10:00 a.m., Tuesday, February 2, 1982.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 2, 1982

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

Prayer was offered by Father Gerald Ryan, pastor of St. Anthony's Catholic Church, Des Moines.

The Journal of Friday, January 29, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sullivan of Van Buren on request of Avenson of Fayette; Crabb of Crawford, for the morning session, on request of Harbor of Mills; Miller of Buchanan, for the week of February 1, 1982, on request of Avenson of Fayette; Clark of Cerro Gordo, for the week of February 1, 1982, on request of Pope of Polk.

SUPPLEMENTAL REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MARY JANE ODELL, Secretary of the State of Iowa, custodian of the files and records pertaining to the elections in the state, do hereby certify, that the State Canvassing Board has declared that at a special election held on January 26, 1982, Elaine Baxter was elected to fill the vacancy in the office of State Representative for the eighty-fourth district, for the balance of the two year term which began on January 1, 1981.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 1st day of February, 1982.

MARY JANE ODELL, Secretary of State

WILLIAM H. HARBOR, Chair
HUGO SCHNEKLOTH
WALTER CONLON
LOWELL E. NORLAND
DONALD H. BINNEBOESE

Harbor of Mills moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

McKean of Jones moved that a committee of two be appointed to escort Representative-elect Elaine Baxter to the well of the House.

The motion prevailed and the Speaker appointed McKean of Jones and Spear of Lee to escort Representative-elect Baxter. The Chief Clerk administered the following oath of office:

OATH OF OFFICE

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

ELAINE BAXTER

The committee escorted Representative Baxter to her seat.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 28, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, honoring the State Historical Society on its one hundred twenty-fifth anniversary and designating the week of January 24 through January 30, 1982 as State Historical Society of Iowa Week.

Also: That the Senate has on January 28, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 372, a bill for an act relating to the amount of the surety bond required of mobile home dealers.

Also: That the Senate has on January 28, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 396, a bill for an act relating to an income tax checkoff for the state fish and game protection fund.

Also: That the Senate has on January 28, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

K. MARIE THAYER, Secretary

On motion by Pope of Polk, the House was recessed at 10:17 a.m. until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

ADOPTION OF HOUSE RESOLUTION 101

Menke of O'Brien called up for consideration House Resolution 101, amending the permanent rules of the House for the 1982 Session of the Sixty-ninth General Assembly, filed on January 21, 1982 and found on page 120 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

House File 2112, a bill for an act permitting school districts to combine the positions of secretary and treasurer, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2112)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Clark, B. J.	Diemer	Egenes	Gross
Miller	Smalley	Sullivan	

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

House File 2147, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area, with report of committee recommending passage was taken up for consideration.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2147)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Clark, B. J.	Diemer	Egenes	Gross
Miller	Sullivan		

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

Senate File 294, a bill for an act relating to taxidermy and subjecting violators to a penalty, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 294)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	Menke
Mullins	Norland	O'Kane	Oxley
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renken	Rosenberg
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 13:

Byerly	Corey	Halvorson, R. N.	Horn
Jay	McKean	Pavich	Pelton
Renaud	Ritsema	Running	Schroeder
Woods			

Absent or not voting, 6:

Binneboese	Clark, B. J.	Diemer	Egenes
Miller	Sullivan		

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

Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees, with report of committee recommending amendment and passage was taken up for consideration.

Branstad of Winnebago offered the following amendment H—5017 filed by the committee on county government and moved its adoption:

H—5017

- 1 Amend Senate File 397 as passed by the Senate as
2 follows:
- 3 1. Page 1, line 7, by inserting after the word
4 "recorder" the words "and the county auditor".
5 2. Page 1, lines 8 and 9, by striking the words
6 "The recorder shall notify the county auditor of the
7 transfer."
8 3. Page 1, by striking line 15 and inserting in
9 lieu thereof the following:
10 "633.480 CERTIFICATE TO COUNTY AUDITOR AND COUNTY
11 RECORDER FOR TAX".
12 4. Page 1, line 17, by inserting after the word
13 "report" the words and figures "or after discharge
14 as provided in section 633.479".
15 5. Page 1, line 22, by striking the word "auditor"
16 and inserting in lieu thereof the words "auditor and
17 the county".
18 6. Page 1, lines 23 and 24, by striking the words
19 "The recorder shall notify the county auditor of the
20 transfer."
21 7. Page 1, by striking line 27 and inserting in
22 lieu thereof the following:
23 "633.481 CERTIFICATE TO COUNTY AUDITOR AND COUNTY
24 RECORDER FOR TAX".
25 8. Page 1, line 31, by striking the word "auditor"
26 and inserting in lieu thereof the words "auditor and
27 the county".
28 9. Page 1, lines 34 and 35, by striking the words
29 "The county recorder shall notify the county auditor
30 of the transfer."

The committee amendment H—5017 was adopted.

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

On the question "Shall the bill pass?" (S.F. 397)

The ayes were, 58:

Anderson, J.
Branstad
Clements
Corey

Anderson, R.
Carpenter
Cochran
Crabb

Bennett
Chiodo
Connors
Danker

Binneboese
Clark, J. H.
Cook
Davitt

De Groot	Dieleman	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hoffmann-Bright	Holt	Horn	Howell
Jay	Johnson, W.	Knapp	Lageschulte
Mann	Maulsby	Menke	Mullins
Oxley	Pelton	Petrick	Pope
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shull	Smith
Spear	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Woods	Mr. Speaker		

The nays were, 36:

Arnould	Avenson	Baxter	Brandt
Bruner	Byerly	Carl	Conlon
Connolly	Daggett	Doderer	Fey
Gettings	Hanson, D.	Harbor	Hummel
Jochum	Johnson, J.	Johnson, R.	Krewson
Lind	Lloyd-Jones	Loneragan	McKean
O'Kane	Pavich	Pellett	Poffenberger
Poncy	Rapp	Rosenberg	Smalley
Sturgeon	Swartz	Walter	Welsh

Absent or not voting, 6:

Clark, B. J.	Diemer	Egenes	Miller
Norland	Sullivan		

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

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution, with report of committee recommending amendment and passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—5016 filed by the committee on state government:

H—5016

- 1 Amend Senate Joint Resolution 6, as passed by the
- 2 Senate, as follows:
- 3 1. Page 1, by striking lines 6 through 8 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SECTION. The general assembly may nullify
- 6 an adopted administrative rule of a state agency by

- 7 the passage of a resolution by two-thirds of the
8 members of each house of the general assembly. The
9 general assembly may require reconsideration of a
10 proposed administrative rule of a state agency by
11 the passage of a resolution approved by a majority
12 of the members of each house of the general assembly."

(Senate Joint Resolution 6 and amendment H—5016 pending at adjournment.)

MOTION TO RECONSIDER (Senate File 397)

I move to reconsider the vote by which Senate File 397 passed the House on February 2, 1982.

HORN of Linn

INTRODUCTION OF BILL

House File 2332, by committee on judiciary and law enforcement, a bill for an act to change the date of legalization from 1960 to 1970 for certain defects and irregularities in those acts and instruments included in section 586.1.

Read first time and placed on the calendar.

HOUSE FILE 2309 REREFERRED

The Speaker announced that House File 2309 previously referred to the committee on state government is rereferred to the committee on human resources.

COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointments for Representative Elaine Baxter: Committee on Commerce, Committee on Energy, Committee on Transportation and Education Appropriations Subcommittee.

SPONSORS ADDED (House File 2213)

Trucano of Polk requested to be added as a sponsor of House File 2213.

(House File 2213)

Renaud of Polk requested to be added as a sponsor of House File 2213.

COMMUNICATIONS RECEIVED

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

COMMISSION ON THE STATUS OF WOMEN

The 1982 annual report of the Iowa Commission on the Status of Women, pursuant to Chapter 601.8, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

The annual report on public transportation programs of the State of Iowa, pursuant to Chapter 601J.4(2), Code of Iowa.

The following communication was received on January 29, 1982 and is on file in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

A study to determine Alternative Primary and Secondary Road System Sizes, pursuant to Chapter 96.1, Laws of the Sixty-ninth General Assembly, 1981 Regular Session.

CERTIFICATES OF RECOGNITION

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

1982-5 Outstanding Young Iowan and Outstanding Young Farmer Programs

John Deere Company, United States Jaycees, Iowa Jaycees, Farm Bureau Insurance, FS Services - Division of Growmark, Farmland Foods, Dairyland Seed Company and Diversified Fastening Systems, Inc.

1982-6 John Harty (Participation in Super Bowl XVI)

ELIZABETH A. ISAACSON
Chief Clerk of the House

PRESENTATION OF VISITORS

Stueland of Clinton presented to the House, Dick and Mary Hahn of Walcott. Mr. and Mrs. Hahn are the recipients of the National Farm Bureau Outstanding Young Farm Couple Award. They were accompanied by their daughter, Sarah.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 610 Education

Eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year.

S.B. 611 Education

Relating to the amount of land owned by a merged area.

S.B. 612 Education

Relating to payment of expenses by boards of directors of merged areas.

S.B. 613 Education

Eliminating the requirement that the board of directors for merged area vocational schools or community colleges hold an organizational meeting on the first Monday in October, and providing that the organizational meeting be held at a regularly scheduled meeting in October.

S.B. 614 Education

Relating to the auditing of claims by a board of directors of a merged area.

S.B. 615 Education

Authorizing merged areas to acquire and operate student residence halls and dormitories, including dining and other incidental facilities, and to finance the cost with revenue bonds.

S.B. 616 Judiciary and Law Enforcement

Correcting erroneous, inconsistent and obsolete provisions of the Code, including penalty provisions.

S.B. 617 Judiciary and Law Enforcement

Relating to an investigation of certain conditions regarding the best interests of a child or children in a dispute concerning custody of a child or children.

S.B. 618 Judiciary and Law Enforcement

Regulating the activities of loan brokers and providing penalties.

S.B. 619 Commerce

Relating to balloon payment of consumer loans secured by an interest in land.

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
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Senate File 293, a bill for an act relating to the reporting of fruit-tree and forest reservations to the state conservation commission.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H—5026	H.F. 396	Senate Amendment
H—5027	H.F. 2027	Spear of Lee
H—5028	H.F. 2027	Spear of Lee
H—5029	H.F. 2171	Bruner of Story
		Connolly of Dubuque

H-5030	H.F. 2171	Shull of Warren
		Schnekloth of Scott
H-5031	H.F. 748	Halvorson of Clayton
H-5032	H.F. 2171	Doderer of Johnson
		Rapp of Black Hawk
		Bruner of Story
H-5033	S.F. 399	Lind of Black Hawk
H-5034	H.F. 2171	Smith of Scott
		Mullins of Kossuth
		Trucano of Polk
		Tyrrell of Iowa
		Renken of Grundy
		Maulsby of Calhoun
		Smalley of Polk
		Stueland of Clinton
		Van Maanen of Mahaska
		Daggett of Taylor
		De Groot of Lyon
H-5035	H.F. 2059	Schroeder of Pottawattamie
H-5036	H.F. 2158	Spear of Lee
H-5037	H.F. 2171	Shull of Warren
H-5038	H.F. 2171	Rapp of Black Hawk
		Bruner of Story
H-5039	H.F. 2171	Carl of Poweshiek
		Arnould of Scott
		O'Kane of Woodbury
		Jay of Appanoose
		Rosenberg of Story
		Swartz of Marshall
H-5040	H.F. 2171	Bruner of Story
H-5041	H.F. 2171	Smalley of Polk
H-5042	H.F. 2171	Davitt of Warren
H-5043	H.F. 2171	Doderer of Johnson
		Rapp of Black Hawk
		Bruner of Story
H-5044	H.F. 2171	Rapp of Black Hawk
H-5045	H.F. 2171	Bruner of Story

On motion by Pope of Polk, the House adjourned at 5:30 p.m., until 9:00 a.m., Wednesday, February 3, 1982.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day—Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 3, 1982

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

Prayer was offered by the Reverend Robert Bell, pastor of the First United Methodist Church, Perry.

The Journal of Tuesday, February 2, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youberg, Sac City.

INTRODUCTION OF BILL

House File 2333, by committee on judiciary and law enforcement, a bill for an act relating to intestate shares when a decedent leaves a surviving spouse or a surviving spouse and issue.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 387, by Carr, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

Read first time and referred to committee on state government.

Senate File 579, by committee on ways and means, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 29, 1982, passed (with amendment S-5025 adopted) the following bill in which the concurrence of the House is asked:

Senate File 2080, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed and making certain provisions.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 108
By Committee on County Government

1 *Whereas*, over ninety percent of all passenger miles of
2 travel and over forty percent of all freight movement is by
3 highway, and while the highway system will continue to be
4 the primary mover of both people and goods; and
5 *Whereas*, the costs of building and maintaining highways
6 have doubled in the last decade, and inflation continues to
7 diminish the buying power of the highway dollar; and
8 *Whereas*, revenues from state and federal gasoline taxes
9 have begun to level off and decline because of more fuel-
10 efficient automobiles and less driving and the increased use
11 of tax-exempt alternative fuels, such as gasohol; and
12 *Whereas*, many of our state highways and bridges have reached
13 their design life and are in desperate need of repair and
14 reconstruction; and
15 *Whereas*, present federal design standards such as those
16 concerning weight limits for state bridges have impeded the
17 state's efforts to repair and reconstruct state bridges; *Now*
18 *Therefore*,
19 *Be It Resolved by the House of Representatives, the Senate*
20 *Concurring*, That the state of Iowa urges a greater federal
21 funding emphasis on repair and reconstruction of our bridges
22 and highways; and
23 *Be It Further Resolved*, That funding authorizations for
24 noninterstate highway programs, which include programs for
25 bridges, should be increased to a level sufficient to offset
26 inflation; and
27 *Be It Further Resolved*, That present federal design
28 standards, particularly those involving bridge construction,
29 should be relaxed to permit more efficient utilization of
30 the state's limited program resources without adversely

Page 2

1 affecting safety; and
2 *Be It Further Resolved*, That the governor of the state
3 of Iowa forward certified copies of this resolution to the
4 secretary of transportation of the United States.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 9:16 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate Joint Resolution 6**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution, and amendment H—5016 found on pages 224 and 225 of the House Journal.

Welden of Hardin offered the following amendment H—5048, to amendment H—5016, filed by Welden, Hummel and Hanson of Delaware from the floor. Division was requested as follows:

H—5048

- 1 Amend amendment H—5016, to Senate Joint Resolution
- 2 6 as passed by the Senate, as follows:

H—5048A

- 3 1. Page 1, line 7, by striking the words "two-
- 4 thirds" and inserting in lieu thereof the words "a
- 5 majority of all".

H—5048B

- 6 2. Page 1, line 12, by inserting after the word
- 7 "members" the word "voting".

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5048B, to amendment H—5016.

Welden of Hardin moved the adoption of amendment H—5048A, to amendment H—5016.

Amendment H—5048A was adopted.

Doderer of Johnson offered the following amendment H—5049, to amendment H—5016, filed by Doderer, Schroeder, Welden, Hanson of Delaware and Connors from the floor and moved its adoption:

H-5049

- 1 Amend amendment H-5016 to Senate Joint
- 2 Resolution 6 as follows:
- 3 1. Page 1, by striking lines 8 through 12
- 4 and inserting in lieu thereof the following:
- 5 "members of each house of the general assembly."

Amendment H-5049 was adopted.

Hanson of Delaware moved the adoption of the committee amendment H-5016, as amended.

The committee amendment H-5016, as amended, was adopted.

Hanson of Delaware moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article III, Legislative Department, Constitution of the State of Iowa, is amended by adding the following new section:

NEW SECTION. The general assembly may nullify an adopted administrative rule of a state agency by the passage of a resolution by a majority of all of the members of each house of the general assembly.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 6)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petric
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 6:

Brandt	Doderer	Halvorson, R. N.	Krewson
Mullins	Rapp		

Absent or not voting, 2:

Clark, B. J.	Miller
--------------	--------

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

The House stood at ease at 2:27 p.m. until the fall of the gavel.

The House resumed session at 3:55 p.m., Speaker Stromer in the chair.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and

certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication, with report of committee recommending amendment and passage was taken up for consideration.

HOUSE RULE 25 SUSPENDED

Shull of Warren asked and received unanimous consent to suspend House Rule 25 to permit Richard Jacobs, Don Cooper and Gene Eich, all from the Iowa Department of Revenue to be seated in the House chamber during the debate on House File 2171.

Shull of Warren offered the following amendment H—5019 filed by the committee on appropriations. Division was requested as follows:

H—5019

- 1 Amend House File 2171 as follows:

H—5019A

- 2 1. Page 4, line 26, by striking the word and
- 3 figures "January 1, 1982" and inserting in lieu thereof
- 4 the word and figures "December 31, 1981".

H—5019B

- 5 2. Page 5, line 33, by striking the figure "445.47"
- 6 and inserting in lieu thereof the figure "445.57".

Shull of Warren asked and received unanimous consent to withdraw amendment H—5019B.

Shull of Warren moved the adoption of amendment H—5019A.

The committee amendment H—5019A was adopted.

Doderer of Johnson offered the following amendment H—5043 filed by Doderer, Rapp and Bruner and moved its adoption:

H—5043

1 Amend House File 2171 as follows:

2 1. Page 1, by inserting after line 6 the following:

3 "Sec. 40. Section 422.5, Code 1981, is amended

4 by adding the following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. In addition to all taxes
6 imposed under this division, there is imposed upon
7 every resident and nonresident of this state a state
8 minimum tax for tax preference equal to twenty-five
9 percent of the state's apportioned share of the federal
10 minimum tax. The state's apportioned share of the
11 federal minimum tax is one hundred percent in the
12 case of a resident and in the case of a nonresident
13 a percent equal to the ratio of the federal minimum
14 tax on preferences attributable to Iowa to the federal
15 minimum tax on all preferences. The director shall
16 prescribe rules for the determination of the amount
17 of the federal minimum tax on preferences attributable
18 to Iowa which shall be based as much as equitably
19 possible on the allocation provisions of section
20 422.8, subsections 2 and 3. For purposes of this
21 paragraph, "federal minimum tax" means the federal
22 minimum tax for tax preferences computed under sections
23 55 through 58 of the Internal Revenue Code of 1954
24 for the tax year."

25 2. Page 3, by inserting after line 29 the
26 following:

27 "Sec. 50. Section 422.33, Code 1981, is amended

28 by adding the following new subsection:

29 NEW SUBSECTION. In addition to all taxes imposed
30 under this division, there is imposed upon each
31 corporation doing business within the state a state
32 minimum tax for tax preference equal to twenty-five
33 percent of the state's apportioned share of the federal
34 minimum tax. The state's apportioned share of the
35 federal minimum tax is a percent equal to the ratio
36 of the federal minimum tax on preferences attributable
37 to Iowa to the federal minimum tax on all preferences.
38 The director shall prescribe rules for the
39 determination of the amount of the federal minimum
40 tax on preferences attributable to Iowa which shall
41 be based as much as equitably possible on the alloca-
42 tion and apportionment provisions of subsections 1
43 and 2. For purposes of this subsection, "federal
44 minimum tax" means the federal minimum tax for tax
45 preferences computed under sections 55 through 58

- 46 of the Internal Revenue Code of 1954 for the tax
 47 year."
 48 3. Page 8, by inserting after line 9 the following:
 49 "Sec. . Sections 40 and 50 of this Act are
 50 effective for tax years beginning on or after the

Page 2

- 1 effective date of this Act."
 2 4. By numbering, renumbering and correcting
 3 internal references as necessary.

Roll call was requested by Doderer of Johnson and Groth of Buena Vista.

Rule 80 was invoked.

On the question "Shall amendment H—5043 be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Clements	Cochran
Connolly	Connors	Davitt	Dieleman
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Hanson, D.
Horn	Howell	Jay	Jochum
Johnson, R.	Knapp	Lloyd-Jones	Loneragan
Norland	O'Kane	Oxley	Pavich
Pelton	Poncy	Rapp	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 48:

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

Absent or not voting, 3:

Clark, B.J.

Miller

Welden

Amendment H—5043 was adopted.

(House File 2171 pending at adjournment.)

INTRODUCTION OF BILL

House File 2334, by committee on transportation, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 2080, by committee on ways and means, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 2, 1982. Had I been present, I would have voted "aye" on House Files 2112 and 2147 and Senate Files 294 and 397.

SULLIVAN of Van Buren

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 620 Judiciary and Law Enforcement

Providing that the intentional use of a vehicle in a manner that threatens serious injury to a person who is in a building or another vehicle or an assembly of persons is terrorism.

S.B. 621 Judiciary and Law Enforcement

Relating to kidnapping and unlawful restraint.

S.B. 622 Judiciary and Law Enforcement

Providing that the making of a fraudulent claim for compensation, indemnification, restitution, or other payment — e.g. a casualty claim submitted to an insurance company — is punishable as a fraudulent practice whether or not the claim is submitted in writing or supported by an affidavit or certificate.

S.B. 623 Judiciary and Law Enforcement

Broadening the definitions of "escape from custody" offenses to apply to those situations where persons have been arrested and are, thus, "in custody" but have not yet been convicted or charged, either by complaint or information.

S.B. 624 Judiciary and Law Enforcement

Prohibiting the imposition of a fine without a sentence of imprisonment for any forcible felony.

S.B. 625 Judiciary and Law Enforcement

Relating to assault with intent to commit sexual abuse.

S.B. 626 Judiciary and Law Enforcement

Providing procedures to ensure the same degree of confidentiality.

S.B. 627 Judiciary and Law Enforcement

Relating to the sentences of inmates committed to the custody of the Division of Adult Correction of the Department of Social Services.

S.B. 628 Education

Exempting the sales of tickets or admissions to events sponsored by merged area educational institutions from the state sales, services, and use tax.

S.B. 629 Education

Relating to the date of the annual organizational meeting of the board of directors of an area education agency.

S.B. 630 Education

Permitting merged areas to combine the positions of secretary and treasurer.

S.B. 631 Judiciary and Law Enforcement

To prohibit bail following conviction of a forcible felony.

S.B. 632 Ways and Means

Relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive and providing an effective date.

S.B. 633 State Government

To revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

S.B. 634 Energy

To authorize the Environmental Quality Commission to adopt rules relating to two areas of hazardous waste management which would be more restrictive than the corresponding federal rules.

S.B. 635 Natural Resources

To establish a centralized water resource information and reporting system.

S.B. 636 Natural Resources

Relating to the authority of the Department of Environmental Quality regarding establishment of uniform procedures and fees for the issuance of permits.

S.B. 637 Natural Resources

Updating references to the federal Water Pollution Control Act in chapter 455B, Code of Iowa.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 549), to make the payment or nonpayment of judgments for support in dissolution of marriage cases a public record.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly House File 2041, as amended), to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 2132, as amended), relating to railroad property by providing that before a railroad corporation or trustee of a railroad

corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, and making it effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H—5046	S.F. 399	Spear of Lee
H—5047	H.F. 2171	Bruner of Story
H—5050	H.F. 2171	Johnson of Linn
H—5051	H.F. 2171	Chiodo of Polk
H—5052	H.F. 2013	Spear of Lee
H—5053	H.F. 2068	Oxley of Linn
H—5054	H.F. 2171	Schroeder of Pottawattamie
Harbor of Mills		Maulsby of Calhoun
Holt of Clay		Corey of Louisa
Danker of Pottawattamie		Jochum of Dubuque
Lind of Black Hawk		Anderson of Audubon
Swearingen of Keokuk		Renken of Grundy
Daggett of Taylor		Crabb of Crawford
Gross of Ringgold		Halvorson of Clayton
		Hummel of Benton
H—5055	H.F. 2158	Poffenberger of Dallas
H—5056	H.F. 2171	Shull of Warren
Schnekloth of Scott		Schroeder of Pottawattamie
Bennett of Ida		Tofte of Winneshiek
Johnson of Woodbury		Hansen of O'Brien
Corey of Louisa		Holt of Clay
Pelton of Clinton		Halvorson of Clayton
Harbor of Mills		Crabb of Crawford
Danker of Pottawattamie		Pope of Polk
Van Maanen of Mahaska		Daggett of Taylor
Clements of Scott		Swearingen of Keokuk
Trucano of Polk		Hanson of Delaware
Mann of Greene		Diemer of Black Hawk
Tyrrell of Iowa		Welden of Hardin
Smalley of Polk		Renken of Grundy
Mullins of Kossuth		Ritsema of Sioux

Stueland of Clinton
Johnson of Howard
Smith of Scott
Krewson of Polk
Branstad of Winnebago
McKean of Jones
Johnson of Linn
Lind of Black Hawk
Cook of Hardin
Menke of O'Brien

H—5057

H.F. 2171

H—5058

H.F. 2171

Carpenter of Polk
Maulsby of Calhoun
Gross of Ringgold
Egenes of Story
Poffenberger of Dallas
Hummel of Benton
Anderson of Audubon
De Groot of Lyon
Petrick of Linn
Hoffmann-Bright
of Muscatine
Norland of Worth
Davitt of Warren

On motion by Pope of Polk, the House adjourned at 5:45 p.m.,
until 9:00 a.m., Thursday, February 4, 1982.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day—Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 4, 1982

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

Prayer was offered by the Reverend Kathleen Milligan, pastor of the Center Chapel United Methodist and Farmers Chapel United Methodist Churches, Indianola.

The Journal of Wednesday, February 3, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton.

The House stood at ease at 9:21 a.m. until the fall of the gavel.

The House resumed session at 10:28 a.m., Speaker Stromer in the chair.

The House stood at ease at 10:30 a.m. until the fall of the gavel.

The House resumed session at 11:35 a.m., Speaker Stromer in the chair.

On motion by Schroeder of Pottawattamie, the House was recessed at 11:40 a.m. until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in chair.

HOUSE CONCURRENT RESOLUTION 109

By Howell, Dieleman, Knapp, Gettings, Arnould, O'Kane, Chiodo, Connolly, Hall, Pavich, Running, Poncy, Lonergan, Swartz, Carl, Sturgeon, Fey, Lloyd-Jones and Rapp

1 *Whereas*, the national system of Public Employment Offices
2 was established in 1933 under the provisions of the Wagner-Peyser
3 Act to combat the high unemployment of the "great depression"; and

4 *Whereas*, the national system of Public Employment Offices has
5 been historically the moving force to unite employers in need of
6 workers with the largest available resource of manpower; and

7 *Whereas*, the national system of Public Employment Service has
8 become the primary agency for referral to employment and training
9 programs designed to train and upgrade the "labor force" of
10 America; and

11 *Whereas*, Job Service of Iowa is funded by a federal tax paid
12 by employers, from an administrative account set up to pay the
13 costs of operating the nationwide employment and unemployment
14 system; and

15 *Whereas*, this tax paid to the federal government by Iowa's
16 employers has not been reduced even though the funding for Job
17 Service of Iowa has been reduced by \$3,529,316, resulting in a 60%
18 staff cut in the Job Placement Division and the closing of Job
19 Service offices in forty-one Iowa communities; and

20 *Whereas*, the Congress of the United States has funded the
21 Public Employment Service since its inception; *Now Therefore*,

22 *Be It Resolved by the House of Representatives, the Senate*
23 *Concurring*, That we hereby request the Congress of the United States
24 to restore the Public Employment Service to a reasonable funding
25 level consistent with the needs of employers and the labor force of
26 this nation, as contained in the present United States House
27 Appropriation Bill already passed by that body.

28 *Be It Further Resolved*, That copies of this resolution be sent
29 to the members of the Iowa congressional delegation.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 2:55 p.m.
until 4:30 p.m.

The House reconvened, Speaker Stromer in the chair.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the

House and the President of the Senate, and presented to the Governor for his approval on this 4th day of February, 1982: House Files 783, 846 and 857.

ELIZABETH ISAACSON
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 638 Education

Relating to the costs of certain services provided by an area education agency and requested by a local board of education.

S.B. 639 Education

Repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities.

S.B. 640 Education

Relating to transfers of funds by area schools.

S.B. 641 Education

Terminating free and appropriate public education for children requiring special education at age twenty-one.

S.B. 642 Education

Permitting the area education agency in which a child resides to obtain a review of an action or omission relating to special education programs by state or local authorities.

S.B. 643 Education

Relating to the consolidation of certain special education categories.

S.B. 644 Ways and Means

Repealing special provisions in property tax laws which apply to special charter cities, and providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule.

S.B. 645 Transportation

To permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

S.B. 646 County Government

To subject agencies established under chapter 28E of the Code and nonprofit agencies receiving public funds to an audit upon the request of certain persons.

S.B. 647 Judiciary and Law Enforcement

Relating to violations of the rules of the road by certain juvenile offenders.

S.B. 648 Education

Creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

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
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 601, as amended), relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5059	H.F. 2171	Davitt of Warren
H-5060	H.F. 2171	Ritsema of Sioux
H-5061	H.F. 2250	Spear of Lee
H-5062	H.F. 647	McKean of Jones
H-5063	H.F. 2171	Connolly of Dubuque
H-5064	H.C.R. 108	Clements of Scott

On motion by Pope of Polk, the House adjourned at 4:57 p.m., until 9:00 a.m., Friday, February 5, 1982.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day—Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 5, 1982

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

Prayer was offered by the Reverend Norman Ullestad, pastor of the Grace Lutheran Church, Des Moines.

The Journal of Thursday, February 4, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of Pelton of Clinton.

PETITION FILED

The following petition was received and placed on file:

By Diemer of Black Hawk, from nineteen hundred constituents favoring transferring Homemaker Home—Health Aide Services from the Department of Social Services to the Department of Health.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 3, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 488, a bill for an act authorizing the department of social services to establish a sales bonus program for the sale of prison industry products.

K. MARIE THAYER, Secretary

MOTION TO RECONSIDER WITHDRAWN (Senate File 397)

Horn of Linn asked and received unanimous consent to withdraw the motion to reconsider Senate File 397, a bill for an act

relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees, filed on February 2, 1982.

HOUSE FILE 524 WITHDRAWN

Mullins of Kossuth asked and received unanimous consent to withdraw House File 524 from further consideration by the House.

HOUSE FILE 2171 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2171 be deferred and the bill be placed on the daily debate calendar for Monday, February 8, 1982.

CONSIDERATION OF BILLS Regular Calendar

House File 748, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5031 filed by him and moved its adoption:

H—5031

- 1 Amend House File 748 as follows:
- 2 1. Page 1, line 6, by inserting after the
- 3 word "available" the following: "within the division
- 4 of adult corrections".

Amendment H—5031 was adopted.

Speaker pro-tempore Menke of O'Brien in the chair at 9:48 a.m.

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

On the question "Shall the bill pass?" (H.F. 748)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poney	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	
		(Menke)	

The nays were, none.

Absent or not voting, 5:

Clark, B. J.	Krewson	Miller	Pope
Stromer			

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

House File 2003, a bill for an act to legalize the sale of certain property in Rolfe, Pocahontas county, Iowa, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2003)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Shull	Smalley
Smith	Spear	Stuealand	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 8:

Brandt	Clark, B. J.	Harbor	Krewson
Miller	Pope	Schroeder	Stromer

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

House File 2027, a bill for an act to provide for a special turkey hunting license for landowners, with report of committee recommending amendment and passage was taken up for consideration.

Tofte of Winneshiek offered the following amendment H—5007 filed by the committee on natural resources and moved its adoption:

H—5007

- 1 Amend House File 2027 as follows:
- 2 1. Page 1, by striking lines 4 and 5 and inserting

- 3 in lieu thereof the following: "turkey hunting license
- 4 to either the owner or the tenant of a farm unit or
- 5 a member of the owner's or tenant's immediate family
- 6 if the person makes a written".

The committee amendment H—5007 was adopted.

Spear of Lee offered the following amendment H—5027 filed by him and moved its adoption:

H—5027

- 1 Amend House File 2027 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 word "owner" the words "or tenant".

Amendment H—5027 was adopted.

Spear of Lee offered the following amendment H—5028 filed by him and moved its adoption:

H—5028

- 1 Amend House File 2027 as follows:
- 2 1. Page 1, line 9, by inserting after the
- 3 word "unit." the words "The application must contain
- 4 the consent of the owner if the tenant or tenant's
- 5 family member applies for the license."

Amendment H—5028 was adopted.

The following amendment H—5067, filed by Spear of Lee from the floor was adopted by unanimous consent:

H—5067

- 1 Amend House File 2027, as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "owners", the following: "and tenants of farm
- 4 units and their family members".

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

On the question "Shall the bill pass?" (H.F. 2027)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Clark, B. J.	Krewson	Miller	Pope
Schroeder	Stromer		

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

HOUSE FILE 2158 DEFERRED

Halvorson of Clayton asked and received unanimous consent to defer action on House File 2158 and that the bill retain its place on the calendar.

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws, with report of committee recommending passage was taken up for consideration.

Krewson of Polk asked and received unanimous consent to withdraw the following amendments:

H—4050 filed on May 7, 1981 and found on page 2546 of the 1981 House Journal.

H—3906 filed on April 29, 1981 and found on page 2459 of the 1981 House Journal.

Lind of Black Hawk offered the following amendment H—5033 filed by him and moved its adoption:

H—5033

- 1 Amend Senate File 399 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 11, by inserting after the word
- 4 "accessible." the words "This does not apply to a
- 5 vessel which is a racing shell used in the sport of
- 6 sculling."

Amendment H—5033 was adopted.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—3904.

Spear of Lee offered the following amendment H—3931 filed by him on April 30, 1981:

H—3931

- 1 Amend Senate File 399 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 26 the
- 4 following:
- 5 "Sec. . Section 106.12, subsection 2, Code
- 6 1981, is amended to read as follows:
- 7 2. No person shall operate any vessel, or
- 8 manipulate any water skis, surfboard or similar device
- 9 while intoxicated or under the influence of any an
- 10 alcoholic beverage, marijuana, a narcotic, hypnotic
- 11 or other drug, barbiturate or marijuana or any
- 12 combination of these substances. However, this
- 13 subsection shall not apply to a person operating any
- 14 vessel or manipulating any water skis, surfboard or
- 15 similar device while under the influence of marijuana,
- 16 or a narcotic, hypnotic or other drug if the substances
- 17 were prescribed for the person and have been taken

18 under the prescription and in accordance with the
19 directions of a medical practitioner as defined in
20 section 155.3, subsection 11, provided there is no
21 evidence of the consumption of alcohol and further
22 provided the medical practitioner has not directed
23 the person to refrain from operating a motor vehicle,
24 any vessel or from manipulating any water skis,
25 surfboard or similar device."

26 2. Page 8, by inserting after line 28 the
27 following:

28 "Sec. . . . Section 106.14, unnumbered paragraph
29 1, Code 1981, is amended to read as follows:
30 Whoever, while in an intoxicated condition or under
31 influence of narcotic drugs, operates a vessel or
32 manipulates any water skis, surfboard or similar
33 device upon the public waters of this state, while
34 under the influence of an alcoholic beverage,
35 marijuana, a narcotic, hypnotic or other drug, or
36 any combination of these substances, not permitted
37 by section 106.12, subsection 2, shall, upon conviction
38 or a plea of guilty be punished, for the first offense
39 by a fine of not less than three hundred dollars nor
40 more than one thousand dollars, or by imprisonment
41 in the county jail for a period of not to exceed one
42 year, or by both such fine and imprisonment; for the
43 second offense by a fine of not less than five hundred
44 dollars, nor more than one thousand dollars, or by
45 imprisonment in the penitentiary for a period of not
46 to exceed one year, or by both such fine and
47 imprisonment; and for a third offense and each offense
48 thereafter, by imprisonment in the penitentiary for
49 a period not to exceed three years."
50 3. By renumbering to conform to this amendment.

Spear of Lee asked and received unanimous consent to take up
out of order the following amendment H—3953, to amendment
H—3931, filed by him on May 1, 1981 and moved its adoption:

H—3953

1 Amend amendment H—3931 to Senate File 399, as
2 amended, passed and reprinted by the Senate, as
3 follows:

4 "1. Page 1, by striking lines 37 through 49 and
5 inserting in lieu thereof the following: "by section
6 106.12, subsection 2, shall, upon conviction or a
7 plea of guilty be punished, commits a serious
8 misdemeanor for the first offense by a fine of not
9 less than three hundred dollars nor more than one
10 thousand dollars, or by imprisonment in the county

11 jail for a period of not to exceed one year, or by
12 both such fine and imprisonment; commits a serious
13 misdemeanor for the second offense by a fine of not
14 less than five hundred dollars, nor more than one
15 thousand dollars, or by imprisonment in the
16 penitentiary for a period of not to exceed one year,
17 or by both such fine and imprisonment; and commits
18 an aggravated misdemeanor for a third offense and
19 each offense thereafter, by imprisonment in the
20 penitentiary for a period not to exceed three years," "

Amendment H—3953 lost.

Spear of Lee offered the following amendment H—5046, to amendment H—3931, filed by him and moved its adoption:

H—5046

- 1 Amend amendment H—3931 to Senate File 399 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 45, by striking the words "in
- 5 the penitentiary".
- 6 2. Page 1, line 48, by striking the words "in
- 7 the penitentiary".

Amendment H—5046, to amendment H—3931, was adopted.

Spear of Lee offered the following amendment H—5065, to amendment H—3931, filed by Spear and Diemer from the floor:

H—5065

- 1 Amend amendment H—3931 to Senate File 399 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 49 the
- 5 following:
- 6 "3. Page 14, line 17, by striking the number "36"
- 7 and inserting in lieu thereof the number "37".
- 8 4. Page 18, by inserting after line 27 the
- 9 following:
- 10 "Sec. 37. NEW SECTION. CHEMICAL TESTING.
- 11 1. Any person who operates a vessel in this state
- 12 upon public waters, under such circumstances as to
- 13 give reasonable grounds to believe the person to have
- 14 been operating it while under the influence of an
- 15 alcoholic beverage, shall be deemed to have given
- 16 consent to the withdrawal from the person's body of

17 specimens of blood, breath, saliva, or urine, and
18 to a chemical test for the purpose of determining
19 the alcoholic content of the blood. The withdrawal
20 of such body substances, and the test, shall be
21 administered at the written request of a peace officer
22 having reasonable grounds to believe the person to
23 have been operating a vessel upon public waters of
24 this state while under the influence of an alcoholic
25 beverage, and only after the peace officer has placed
26 such person under arrest for the offense of operating
27 a vessel while under the influence of an alcoholic
28 beverage. The peace officer shall determine which
29 of the four substances, breath, blood, saliva, or
30 urine, shall be tested. Refusal to submit to a
31 chemical test of urine, saliva or breath shall be
32 deemed a refusal to submit, and the provisions of
33 subsection 2 shall apply. A refusal to submit to
34 a chemical test of blood shall not be deemed a refusal
35 to submit, but in that case, the peace officer shall
36 then determine which one of the other three substances
37 shall be tested, and shall offer such test. If such
38 peace officer fails to provide a test within two hours
39 after such arrest, no test shall be required, and
40 there shall be no revocation under the provisions
41 of subsection 2.

42 2. If a person under arrest refuses to submit
43 to the chemical testing, no test shall be given, but
44 the director, upon the receipt of a sworn report of
45 the peace officer that he or she had reasonable grounds
46 to believe the arrested person to have been operating
47 a vessel upon public waters of this state while under
48 the influence of an alcoholic beverage, that he or
49 she had placed such person under arrest for that
50 offense and that the person had refused to submit

Page 2

1 to the chemical testing, shall revoke his or her
2 registration certificate for a period of not less
3 than one hundred twenty days nor more than one year;
4 or if the person is a resident without a registration
5 certificate in this state, the director shall deny
6 to the person the issuance of a registration
7 certificate within one year from the date of the
8 alleged violation, subject to review. The effective
9 date of any such revocation shall be twenty days after
10 the director has mailed notice of such revocation
11 to such person by registered or certified mail.
12 3. The provisions of chapter 321B shall apply
13 to the giving of chemical tests under this section
14 and the admissibility of evidence in related

15 proceedings in the same manner for the operation of
16 a vessel on public waters as the operation of a motor
17 vehicle on a public highway while under the influence
18 of alcoholic beverage." "

Avenson of Fayette asked and received unanimous consent to withdraw amendment H—3829 filed by him on April 27, 1981 and found on page 2446 of the 1981 House Journal.

Spear of Lee asked for unanimous consent to defer action on Senate File 399.

Objection was raised.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5065.

Spear of Lee moved the adoption of amendment H—3931, as amended.

A non-record roll call was requested.

The ayes were 59, nays 25.

Amendment H—3931, as amended, was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3904 filed by him on April 29, 1981 and found on pages 2458 and 2459 of the 1981 House Journal.

With the withdrawal of amendment H—3904, amendment H—3921 filed by Spear of Lee on April 29, 1981 and found on pages 2462 and 2463 of the 1981 House Journal, was placed out of order.

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

On the question "Shall the bill pass?" (S.F. 399)

The ayes were, 83:

Anderson, J.
Baxter
Branstad
Chiodo
Conlon

Anderson, R.
Bennett
Bruner
Clark, J. H.
Connolly

Arnould
Binneboese
Carl
Clements
Connors

Avenson
Brandt
Carpenter
Cochran
Cook

Corey	Crabb	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Knapp	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Rosenberg	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Tyrrell
Van Maanen	Walter	Mr. Speaker (Menke)	

The nays were, 9:

Byerly	Harbor	Hummel	Pavich
Renaud	Running	Trucano	Welsh
Woods			

Absent or not voting, 8:

Clark, B. J.	Daggett	Groth	Johnson, W.
Krewson	Miller	Stromer	Welden

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

Senate File 487, a bill for an act allowing the operation of golf carts on the streets of cities, with report of committee recommending passage was taken up for consideration.

Speaker Stromer in the chair at 10:55 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baxter of Des Moines on request of Anderson of Jasper.

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

Rule 80 was invoked.

On the question "Shall the bill pass?" (S:F. 487)

The ayes were, 57:

Anderson, J.	Bennett	Binneboese	Branstad
Bruner	Byerly	Carpenter	Clark, J. H.
Conlon	Cook	Corey	Crabb
Danker	De Groot	Diemer	Egenes
Gettings	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, J.	Lageschulte	Lloyd-Jones	Mann
McKean	Menke	Norland	Oxley
Pavich	Pellètt	Petrick	Poncy
Pope	Renaud	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Tyrrell	Woods
Mr. Speaker			

The nays were, 35:

Anderson, R.	Arnould	Avenson	Brandt
Carl	Chiodo	Clements	Cochran
Connolly	Connors	Davitt	Dieleman
Doderer	Fey	Hall	Halvorson, R. N.
Howell	Johnson, R.	Knapp	Lind
Lonergan	Maulsby	Mullins	O'Kane
Pelton	Poffenberger	Rapp	Renken
Ritsema	Rosenberg	Running	Trucano
Van Maanen	Walter	Welsh	

Absent or not voting, 8:

Baxter	Clark, B. J.	Daggett	Groth
Johnson, W.	Krewson	Miller	Welden

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

HOUSE FILE 375 WITHDRAWN

Anderson of Audubon asked and received unanimous consent to withdraw House File 375 from further consideration by the House.

Senate File 494, a bill for an act relating to objections to the place of trial in a criminal action, with report of committee recommending amendment and passage was taken up for consideration.

Rapp of Black Hawk offered the following amendment H—5005 filed by the committee on judiciary and law enforcement:

H—5005

1 Amend Senate File 494 as passed by the Senate by
2 striking everything after the enacting clause and
3 inserting in lieu thereof the following:

4 "Section 1. Rule of criminal procedure 10,
5 subsection 9, Code 1981, is amended by striking the
6 subsection and inserting in lieu thereof the following:

7 9. MOTION FOR CHANGE OF JUDGE.

8 a. FORM OF MOTION. A motion for a change of judge
9 shall be verified on information and belief by the
10 movant.

11 b. CHANGE OF JUDGE. If the court is satisfied
12 from a motion for a change of judge and the evidence
13 introduced in support of the motion that prejudice
14 exists on the part of the judge, the chief judge shall
15 name a new presiding judge. The location of the trial
16 need not be changed.

17 Sec. 2. Rule of criminal procedure 10, Code 1981,
18 is amended by adding the following new subsection
19 as subsection 10:

20 NEW SUBSECTION. 10. MOTION FOR CHANGE OF VENUE.

21 a. FORM OF MOTION. A motion for a change of venue
22 shall be verified on information and belief by the
23 movant.

24 b. CHANGE OF VENUE ORDERED. If the court is
25 satisfied from a motion for a change of venue and
26 the evidence introduced in support of the motion that
27 such degree of prejudice exists in the county in which
28 the trial is to be had that there is a substantial
29 likelihood a fair and impartial trial cannot be
30 preserved with a jury selected from that county, the
31 court either shall order that the action be transferred
32 to another county in which the offensive condition
33 does not exist, as provided in paragraph c, or shall
34 order that the trial jury be impaneled in and
35 transferred from a county in which the offensive
36 condition does not exist, as provided in paragraph
37 d.

38 c. TRANSFER OF ACTION. When a transfer of the
39 action to another county is ordered under paragraph
40 b the clerk shall transmit to the clerk of the court
41 of the county to which the proceeding is transferred
42 all papers in the proceeding or duplicates of them
43 and any bail taken, and the prosecution shall continue
44 in that county. If the defendant is in custody, the
45 court may order the defendant to be delivered to the
46 sheriff of the receiving county, and upon receipt
47 of a certified copy of the order, the sheriff shall
48 receive and detain the defendant. All expenses atten-
49 dant upon the change of venue and trial, including
50 the costs of keeping the defendant, which shall be

Page 2

1 allowed by the court trying the case, may be recovered
2 by the receiving county from the transferring county.
3 The prosecuting attorney in the transferring county
4 is responsible for prosecution in the receiving county.

5 d. TRANSFER OF JURY.

6 (1) This paragraph applies if the court orders
7 under paragraph b that a jury be transferred from
8 another county.

9 (2) Upon issuance of the order under paragraph
10 b, the clerk of court shall immediately notify the
11 chief judge of the judicial district that includes
12 the county from which the trial jury is to be obtained.
13 The chief judge shall schedule a day for the
14 commencement of proceedings under subparagraph (5)
15 and shall cause notice of the proceedings to be
16 delivered to the trial judge, to the attorneys for
17 the prosecution and the defense, and to the clerks
18 of court of the two counties that are affected by
19 the proceedings. The clerk of the trial court shall
20 deliver to the trial judge all documents that must
21 be present in court at the time trial is commenced
22 under subparagraph (5).

23 (3) The trial judge shall issue orders as necessary
24 to assure the presence of the defendant during
25 proceedings under subparagraph (5). If the defendant
26 is in custody, the sheriff of the trial county is
27 responsible for transporting the defendant to and
28 from the place of jury selection. The sheriff of
29 the county from which the jury is to be obtained shall
30 receive and maintain temporary custody of the defendant
31 as ordered by the trial court.

32 (4) The trial court shall retain jurisdiction
33 of the action, and all proceedings and records shall
34 be maintained in the ordinary manner, except that
35 the trial record shall contain pertinent information
36 respecting the change of location for the proceedings
37 under subparagraph (5) and the reason for the change.

38 (5) The commencement of the trial and the jury
39 selection process shall take place in the county in
40 which the jury is to be impaneled. The clerk of court
41 of that county shall perform all of the trial duties
42 of the clerk of court during proceedings that take
43 place in that county. Once the jury has been sworn,
44 the court shall adjourn for the period of time
45 necessary to permit the transportation of the jury
46 to the trial county. Upon reconvening, the trial
47 shall continue in the usual manner.

48 (6) The jurors shall be kept together and in the
49 custody of the proper officers while traveling to
50 the place of trial and during the trial. The court

Page 3

1 may issue orders respecting segregation of the jury
2 while traveling and during the trial as necessary
3 to preserve the integrity of the trial.

4 (7) The trial county shall provide transportation
5 for the jurors to and from the place of trial, and
6 shall provide the proper officers to take custody
7 of the jurors after they are sworn and until they
8 are discharged, as ordered by the trial court.

9 (8) The trial county shall pay all expenses
10 incurred in connection with the jury, including but
11 not necessarily limited to juror fees, the costs of
12 transporting, housing, and feeding the jury, and the
13 costs and expenses of officers assigned to take custody
14 of the jury. The trial county shall pay the costs
15 of transporting the defendant to and from the place
16 of jury selection, if any. The county from which
17 the jury is obtained may recover from the trial county
18 any costs allowed by the trial court for maintaining
19 custody of the defendant at the time of trial commence-
20 ment and jury selection.

21 (9) Members of the trial jury and alternates shall
22 each be paid the usual juror fee for service under
23 this paragraph, but the fee shall be due for each
24 calendar day they are under the direction of the court
25 or its officers, commencing with the day they are
26 sworn and ending with the day they are returned to
27 the county of their residence after being discharged.

28 Sec. 3. Rule of criminal procedure 10, subsection
29 10, Code 1981, is amended by renumbering that
30 subsection as subsection 11.

31 Sec. 4. Rule of criminal procedure 17, subsection
32 17, Code 1981, is amended by adding the following
33 new unnumbered paragraph:

34 **NEW UNNUMBERED PARAGRAPH.** If a jury is being
35 selected for trial of an action outside of the county
36 pursuant to rule 10, subsection 10, paragraph d, the
37 court shall impanel two alternate jurors, who shall
38 be sworn with the regular jury to try the case, and
39 who shall sit at the trial. These alternates shall
40 be used or discharged as provided in unnumbered
41 paragraph 1. The court may require the impaneling
42 of more than two alternates.

43 Sec. 5. Rule of criminal procedure 27, Code 1981,
44 is amended by adding the following new subsection:

45 **NEW SUBSECTION. JURY IMPANELED OUTSIDE OF COUNTY.**
46 For purposes of this section, when a jury is to be
47 impaneled from outside the county under rule 10,
48 subsection 10, paragraph d, a defendant is deemed
49 to have been brought to trial as of the day when the
50 trial commences in the county in which jury selection

Page 4

1. takes place.

2 Sec. 6. Rule of criminal procedure 46, Code 1981,
3 is amended to read as follows:

4 Rule 46. CHANGE OF VENUE. A change of place of
5 trial venue may be applied for and accomplished in
6 the manner either of the manners prescribed in R.Cr.P.
7 10, and the papers transmitted in similar manner as
8 described therein to the judicial officer or clerk
9 of the court to which change is allowed.

10 Sec. 7. Section 803.2, Code 1981, is amended to
11 read as follows:

12 803.2 PLACE OF TRIAL—GENERAL.

13 1. Criminal actions A criminal action shall be
14 tried in the county in which the crime is committed,
15 except as otherwise provided by law.

16 2. All objections to place of trial venue are
17 waived by a defendant unless the defendant objects
18 thereto prior to trial and secures a ruling by the
19 trial court on a pretrial motion for change of venue.

20 Sec. 8. Section 814.5, subsection 2, paragraph
21 c, Code 1981, is amended to read as follows:

22 c. An order granting or denying a motion for a
23 change of venue.

24 Sec. 9. Section 814.6, subsection 2, paragraph
25 b, Code 1981, is amended to read as follows:

26 b. An order granting or denying a motion for a
27 change of venue.

28 Sec. 10. Section 331.756, subsection 2, Code 1981
29 Supplement, is amended to read as follows:

30 2. Appear for the state and the county in all
31 cases and proceedings in the courts of the county
32 to which the state or the county is a party, except
33 cases brought on actions or proceedings resulting
34 from a change of venue from another county, and appear
35 in the appellate courts in all cases in which the
36 county is a party, and appear in all cases actions
37 or proceedings which are transferred on a change of
38 venue to another county or which require the impaneling
39 of a jury from another county and in which the county
40 or the state is a party.

41 Sec. 11. Except as additionally provided in section
42 7, subsection 2 of this Act, the purpose of this Act
43 is to create an alternative to the transfer of criminal
44 trials in those cases where a change of venue is found
45 to be necessary, by providing a mechanism for securing
46 a jury from outside of the trial county. This Act
47 is not intended to limit in any manner the right of
48 a defendant to a fair trial. It is intended that
49 the courts shall exercise their rulemaking powers
50 to assure that fair trials are preserved under the

Page 5

1 procedures contained in this Act.

2 Sec. 12.

3 1. This Act takes effect July 1, 1983.

4 2. The supreme court may, prior to the effective
5 date of this Act as specified in subsection 1, submit
6 additional amendments to any of the rules of criminal
7 procedure amended by this Act. Proposals shall be
8 submitted in the manner prescribed in section 684.19
9 for the amendment of rules of civil procedure. Any
10 amendments that are proposed by the supreme court
11 during the 1983 legislative session and adopted in
12 the manner prescribed in section 684.19 take effect
13 on July 1, 1983, and supersede conflicting amendments
14 contained in this Act.

15 3. Except as stated in subsection 4, the procedures
16 established by this Act, as modified by any superseding
17 amendments adopted under subsection 2, apply to the
18 following:

19 a. Any action that is commenced on or after the
20 effective date of this Act as specified in subsection
21 1.

22 b. Any retrial of an action that begins on or
23 after the effective date of this Act as specified
24 in subsection 1, irrespective of either the date or
25 the nature of the judicial decision that led to the
26 new trial.

27 4. Section 7, subsection 2 of this Act contains
28 a restatement of existing law as interpreted by the
29 Iowa supreme court in State v. Allen, and to that
30 extent shall be deemed a continuation of prior law."

Rapp of Black Hawk offered the following amendment H—5068,
to amendment H—5005, filed by Rapp, Conlon and Trucano from the
floor and moved its adoption:

H—5068

1 Amend amendment H—5005 to Senate File 494 as
2 passed by the Senate, as follows:

3 1. Page 3, line 44, by striking the word
4 "subsection" and inserting in lieu thereof the
5 word "subsections".

6 2. Page 4, by inserting after line 1 the
7 following:

8 NEW SUBSECTION. CHANGE OF VENUE AFTER JURY SELECTION
9 COMMENCED. Whenever a change of venue is granted
10 pursuant to Section 803.2, the defendant may be
11 brought to trial within thirty days of the grant of
12 the change of venue, notwithstanding subsection 2,
13 paragraph b, of this rule.

- 14 3. Page 4, by inserting after line 15 the
15 following:
16 "2. The court, may on its own motion or on the
17 motion of any of the parties to the proceeding
18 reconsider and grant a pre-trial motion for change
19 of venue whenever it appears during jury
20 selection that sufficient grounds would exist for
21 granting the motion under the provisions of
22 R.Cr.P. 10."
23 4. Page 4, line 19, by inserting after the
24 period the words "However, if venue is changed
25 pursuant to subsection 2, all objections to
26 venue in the county to which the action is
27 transferred are waived by a defendant unless the
28 defendant objects by a motion for change of venue
29 filed within five days after entry of the order
30 transferring the action and secures a ruling by
31 the trial court on the motion before a jury has
32 been impaneled and sworn."

Amendment H—5068, to amendment H—5005, was adopted.

Rapp of Black Hawk moved the adoption of amendment H—5005, as amended.

The committee amendment H—5005, as amended, was adopted.

The following amendment H—5069 filed by Trucano of Polk from the floor, was adopted by unanimous consent:

H—5069

- 1 Amend Senate File 494, as follows:
2 1. Title page, by striking lines 1 and 2, and
3 inserting in lieu thereof the following:
4 "An Act relating to criminal procedure, by
5 amending the rules of criminal procedure relating
6 to change of judge, change of venue and place of
7 trial."

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

On the question "Shall the bill pass?" (S.F. 494)

The ayes were, 91:

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

The nays were, none.

Absent or not voting, 9:

Baxter	Clark, B. J.	Daggett	Groth
Johnson, W.	Krewson	Miller	Oxley
Welden			

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

SENATE AMENDMENT CONSIDERED (House Concurs)

Diemer of Black Hawk called up for consideration **House File 396**, a bill for an act relating to an income tax checkoff for the state fish and game protection fund, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5026

- 1 Amend House File 396 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, lines 3 and 4, by striking the words
- 4 "either a single or joint state" and inserting in
- 5 lieu thereof the words "an individual or a joint".

6 2. Page 1, lines 5 and 6, by striking the words
7 "an amount of at least one dollar but not to exceed
8 ten dollars" and inserting in lieu thereof the words
9 "any amount of a refund due on the return".

10 3. Page 1, line 7, by inserting after the word
11 "fund." the words "The amount designated shall not
12 exceed the amount of refund due on the return."

13 4. Page 1, by striking lines 10 through 15 and
14 inserting in lieu thereof the words "state fish and
15 game protection fund. The revenue may be used for
16 the".

17 5. Page 2, by inserting after line 1, the words:
18 "The department of revenue on or before January
19 31 of the year following the preceding calendar year
20 shall certify the total amount designated on the tax
21 return forms due in the preceding calendar year and
22 shall report the amount to the state treasurer. The
23 state treasurer shall credit the amount to the state
24 fish and game protection fund.

25 The general assembly shall appropriate annually
26 from the state fish and game protection fund the
27 amount credited to the fund from the checkoff to the
28 division of fish and game of the commission for the
29 purposes pursuant to section 1 of this Act.

30 The action taken by a person for the checkoff is
31 irrevocable.

32 The department shall adopt rules to implement this
33 Act. However, before a checkoff pursuant to section
34 1 of this Act shall be permitted, all liabilities
35 on the books of the department of revenue and accounts
36 identified as owing under section 421.17, subsection
37 21, paragraph b, shall be satisfied."

38 6. Page 2, by striking lines 2 through 6 and
39 inserting in lieu thereof the following new section:
40 "Sec. . This Act takes effect January 1
41 following enactment for tax years beginning on or
42 after that date."

The motion prevailed and the House concurred in the Senate amendment H—5026.

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

On the question "Shall the bill pass?" (H.F. 396)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Cochran	Conlon	Connolly
Connors	Cook	Corey	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Knapp	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Mullins	Norland
O'Kane	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Rosenberg	Running
Schneklath	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welsh	Woods
Mr. Speaker			

The nays were, 9:

Clark, J. H.	Clements	Crabb	Johnson, J.
Maulsby	Renken	Ritsema	Schroeder
Walter			

Absent or not voting, 10:

Baxter	Clark, B. J.	Daggett	Groth
Harbor	Johnson, W.	Krewson	Miller
Oxley	Welden		

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

UNANIMOUS CONSENT TO VOTE

By unanimous consent, Connors of Polk was recorded as voting "aye" on House File 396.

Bennett of Ida in the chair at 11:31 a.m.

Halvorson of Clayton in the chair at 11:45 a.m.

INTRODUCTION OF BILL

House File 2335, by committee on judiciary and law enforcement, a bill for an act relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

Read first time and placed on the calendar.

MOTIONS TO RECONSIDER

(Senate File 487)

I move to reconsider the vote by which Senate File 487 passed the House on February 5, 1982.

BYERLY of Polk

(Senate File 487)

I move to reconsider the vote by which Senate File 487 passed the House on February 5, 1982.

WOODS of Polk

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

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

Name	Round Trip Miles
Elaine Baxter	334

Respectfully submitted,
JOHN PELTON
MARVIN E. DIEMER
JOHN H. CONNORS

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 649 Transportation

Relating to the use of infant, convertible, and child passenger restraint systems and safety belts and safety harnesses by persons under four years of age and providing civil penalties.

S.B. 650 Cities

To establish an Iowa advisory commission in inter-governmental relations.

S.B. 651 Ways and Means

Relating to the exemption of the sale of certain foods from the state sales, services, and use tax.

S.B. 652 Ways and Means

Creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

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 5th day of February, 1982: House File 372.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

SUBCOMMITTEE ASSIGNMENTS**House Joint Resolution 2001**

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House Joint Resolution 2002

State Government: Hanson of Delaware, Chair; Carpenter, Clark of Cerro Gordo, Doderer and Lloyd-Jones.

House File 2097

County Government: Hansen of O'Brien, Chair; Swartz and Schroeder.

House File 2114

County Government: Hanson of Delaware, Chair; Howell and Clark of Cerro Gordo.

House File 2120

County Government: Renken, Chair; Gettings and Branstad.

House File 2121

County Government: Clark of Cerro Gordo, Chair; Renaud and Gross.

House File 2125

State Government: Smith, Chair; Brandt and Tofte.

House File 2136

County Government: Branstad, Chair; Oxley and Hanson of Delaware.

House File 2142

County Government: Johnson of Linn, Chair; Running and Clark of Lee.

House File 2166

County Government: Pelton, Chair; Hall and Gross.

House File 2177

Commerce: Halvorson of Clayton, Chair; Hummel and Woods.

House File 2184

Education: Johnson of Howard, Chair; Mann and Spear.

House File 2186

Education: Maulsby, Chair; Lind and Spear.

House File 2188

Natural Resources: Tyrrell, Chair; Anderson of Audubon and Hall.

House File 2190

Transportation: Pellett, Chair; Schroeder and Woods.

House File 2191

Judiciary and Law Enforcement: Conlon, Chair; Doderer and Gross.

House File 2192

Transportation: Schroeder, Chair; Bruner and Johnson of Woodbury.

House File 2193

Judiciary and Law Enforcement: Smalley, Chair; Corey, Johnson of Howard, Rapp and Sturgeon.

House File 2194

Judiciary and Law Enforcement: Smalley, Chair; Corey, Johnson of Howard, Rapp and Sturgeon.

House File 2196

Natural Resources: Tofte, Chair; Van Maanen and Sullivan.

House File 2198

Judiciary and Law Enforcement: Conlon, Chair; Doderer and Brandt.

House File 2201

County Government: Gross, Chair; Swartz and Pelton.

House File 2202

Judiciary and Law Enforcement: Gross, Chair; Brandt and Rosenberg.

House File 2204

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2207

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

House File 2208

Commerce: Johnson of Linn, Chair; Schroeder and Chiodo.

House File 2209

Agriculture: Crabb, Chair; Tyrrell and Dieleman.

House File 2210

Judiciary and Law Enforcement: Johnson of Howard, Chair; Brandt and Corey.

House File 2213

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

House File 2214

Education: Maulsby, Chair; Lind and Spear.

House File 2215

Natural Resources: Petrick, Chair; Cook and Rosenberg.

House File 2216

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Smalley, Rapp and Welsh.

House File 2218

County Government: Clark of Lee, Chair; Hall and Johnson of Linn.

House File 2219

Human Resources: Lonergan, Chair; Daggett and Trucano.

House File 2221

Human Resources: McKean, Chair; Carl, Arnould, Daggett, De Groot, Knapp, Maulsby, Running and Trucano.

House File 2222

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2223

Transportation: Danker, Chair; Anderson of Jasper and Mann.

House File 2225

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2226

Human Resources: McKean, Chair; Carl, Arnould, Daggett, De Groot, Knapp, Maulsby, Running and Trucano.

House File 2228

Education: Mann, Chair; Johnson of Howard and Carl.

House File 2229

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Smalley, Rapp and Welsh.

House File 2230

Human Resources: McKean, Chair; Carl, Arnould, Daggett, De Groot, Knapp, Maulsby, Running and Trucano.

House File 2231

State Government: Smith, Chair; Brandt and Tofte.

House File 2232

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 2233

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 2236

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Arnould.

House File 2238

Commerce: Hoffmann-Bright, Chair; Smith and Bruner.

House File 2239

Judiciary and Law Enforcement: Conlon, Chair; Doderer and Gross.

House File 2241

State Government: Crabb, Chair; Anderson of Audubon and Hanson of Delaware.

House File 2242

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2244

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

House File 2245

Commerce: Schroeder, Chair; Johnson of Linn and Chiodo.

House File 2246

Human Resources: McKean, Chair; Carl, Arnould, Daggett, De Groot, Knapp, Maulsby, Running and Trucano.

House File 2251

State Government: Trucano, Chair; Clark of Cerro Gordo and Dieleman.

House File 2252

State Government: Harbor, Chair; Anderson of Audubon and Woods.

House File 2253

State Government: Hoffmann-Bright, Chair; Anderson of Audubon and Dieleman.

House File 2256

State Government: Crabb, Chair; Anderson of Audubon and Hanson of Delaware.

House File 2258

Judiciary and Law Enforcement: Smalley, Chair; Corey, Johnson of Howard, Rapp and Sturgeon.

House File 2260

County Government: Schroeder, Chair; Walter and Tofte.

House File 2261

Natural Resources: Hanson of Delaware, Chair; Tyrrell and Lloyd-Jones.

House File 2262

County Government: Clark of Lee, Chair; Renaud and Schroeder.

House File 2263

County Government: Tofte, Chair; Running and Branstad.

House File 2264

County Government: Clark of Cerro Gordo, Chair; Running and Renken.

House File 2265

Education: Carpenter, Chair; Menke, Holt, Norland and Jay.

House File 2266

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2267

Transportation: Schroeder, Chair; Branstad and Lloyd-Jones.

House File 2268

County Government: Renken, Chair; Oxley and Pelton.

House File 2270

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Miller.

House File 2271

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

House File 2272

Judiciary and Law Enforcement: Pelton, Chair; Clark of Cerro Gordo and Arnould.

House File 2273

Transportation: Branstad, Chair; Binneboese and Holt.

House File 2274

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 2276

Transportation: Menke, Chair; Groth and Pellett.

House File 2277

County Government: Branstad, Chair; Howell and Schroeder.

House File 2278

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

House File 2279

Transportation: Lageschulte, Chair; Gettings and Menke.

House File 2280

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Arnould.

House File 2281

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

House File 2282

State Government: Carpenter, Chair; Fey and Tofte.

House File 2283

Judiciary and Law Enforcement: Poffenberger, Chair; Brandt and Rapp.

House File 2284

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

House File 2285

Natural Resources: Diemer, Chair; Tyrrell and Connolly.

House File 2286

Transportation: Schnekloth, Chair; Lind and Pavich.

House File 2288

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 2289

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

House File 2290

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2291

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

House File 2292

Cities: Diemer, Chair; Hoffmann-Bright and Spear.

House File 2293

Transportation: Mann, Chair; Lageschulte and Pavich.

House File 2294

State Government: Anderson of Audubon, Chair; Crabb and Harbor.

House File 2295

County Government: Pelton, Chair; Gettings and Gross.

House File 2297

State Government: Hoffmann-Bright, Chair; Anderson of Audubon and Brandt.

House File 2300

Human Resources: Mullins, Chair; Clements, Arnould, Connors, Fey, Maulsby, Poffenberger and Walter.

House File 2301

Agriculture: Stueland, Chair; Mullins and Chiodo.

House File 2302

Agriculture: De Groot, Chair; Corey and Byerly.

House File 2303

State Government: Hoffmann-Bright, Chair; Anderson of Audubon and Brandt.

House File 2304

Cities: Johnson of Linn, Chair; Diemer and O'Kane.

House File 2305

Agriculture: Tyrrell, Chair; Hummel and Dieleman.

House File 2306

Human Resources: Mullins, Chair; Clements, Arnould, Connors, Fey, Maulsby, Poffenberger and Walter.

House File 2308

Cities: Krewson, Chair; Clements and Poncy.

House File 2311

State Government: Harbor, Chair; Crabb and Woods.

House File 2312

Agriculture: McKean, Chair; Stueland and Halvorson of Webster.

House File 2313

State Government: Smith, Chair; Doderer and Harbor.

House File 2315

Commerce: Hummel, Chair; Jochum and Smith.

House File 2317

State Government: Harbor, Chair; Brandt and Crabb.

House File 2318

Commerce: Smith, Chair; Schnekloth and Swartz.

House File 2319

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

House File 2320

Transportation: Johnson of Woodbury, Chair; Oxley and Schnekloth.

House File 2322

State Government: Crabb, Chair; Carpenter and Dieleman.

House File 2324

Commerce: Johnson of Linn, Chair; Swearingen, Chiodo, Smith and Bruner.

House File 2326

Human Resources: Mullins, Chair; Clements, Arnould, Connors, Fey, Maulsby, Poffenberger and Walter.

House File 2327

State Government: Crabb, Chair; Arnould and Carpenter.

House File 2330

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

House File 2331

Natural Resources: Stueland, Chair; Pellett, Jay, Cook and Cochran.

Senate File 387

State Government: Tofte, Chair; Hoffmann-Bright and Chiodo.

Senate File 464

Appropriations: Harbor, Chair; Halvorson of Clayton and Byerly.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 517 (Reassigned)**

Judiciary and Law Enforcement: Conlon, Chair; Brandt and Corey.

Study Bill 524

Education: Mann, Chair; Maulsby and Poncy.

Study Bill 573

State Government: Anderson of Audubon, Chair; Harbor and Woods.

Study Bill 596

Education: Menke, Chair; Krewson and Horn.

Study Bill 608

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Brandt, Dieleman and Trucano.

Study Bill 609

Judiciary and Law Enforcement: Corey, Chair; Jay and Rapp.

Study Bill 610

Education: Krewson, Chair; Swearingen and Jay.

Study Bill 611

Education: Krewson, Chair; Swearingen and Jay.

Study Bill 612

Education: Krewson, Chair; Swearingen and Jay.

Study Bill 614

Education: Krewson, Chair; Swearingen and Jay.

Study Bill 615

Education: Carpenter, Chair; Holt, Menke, Norland and Jay.

Study Bill 616

Judiciary and Law Enforcement: Johnson of Howard, Chair; Doderer and Rosenberg.

Study Bill 617

Judiciary and Law Enforcement: Smalley, Chair; Conlon, Doderer and Swartz.

Study Bill 618

Judiciary and Law Enforcement: Trucano, Chair; Doderer and Swartz.

Study Bill 619

Commerce: Shull, Chair; Hummel, Smith and Woods.

Study Bill 620

Judiciary and Law Enforcement: Corey, Chair; Rosenberg and Trucano.

Study Bill 621

Judiciary and Law Enforcement: Corey, Chair; Rosenberg and Trucano.

Study Bill 622

Judiciary and Law Enforcement: Egenes, Chair; Rosenberg and Pelton.

Study Bill 623

Judiciary and Law Enforcement: Gross, Chair; Welsh and Swartz.

Study Bill 624

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Study Bill 625

Judiciary and Law Enforcement: Conlon, Chair; Doderer and Gross.

Study Bill 626

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Corey.

Study Bill 627

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Study Bill 628

Education: Krewson, Chair; Swearingen and Jay.

Study Bill 629

Education: Menke, Chair; Swearingen and Jay.

Study Bill 630

Education: Menke, Chair; Krewson and Horn.

Study Bill 631

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Gross.

Study Bill 633

State Government: Harbor, Chair; Brandt and Lageschulte.

Study Bill 641

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 646

County Government: Gross, Chair; Binneboese and Branstad.

Study Bill 647

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

Study Bill 648

Education: Holt, Chair; Ritsema, Mann, Connolly and Spear.

HOUSE CONCURRENT RESOLUTION 110

By Harbor, Pellett, Halvorson of Clayton, Schroeder, Danker, Crabb
Branstad and Daggett

- 1 *Whereas*, the availability of reliable supplies of
- 2 energy resources, such as fossil fuels and petro-chemical
- 3 products, has been an increasing concern to Iowa and the
- 4 nation; and
- 5 *Whereas*, notwithstanding the commendable efforts made
- 6 by Iowans to conserve energy resources, the demand for these
- 7 resources remains high; and
- 8 *Whereas*, our nation's dependancy on foreign supplies
- 9 of energy resources continues at a significant level; and
- 10 *Whereas*, a disruption of these supplies, particularly
- 11 from Middle Eastern sources, could cause severe hardships
- 12 for the citizens of this nation, including the alteration
- 13 of lifestyles, the restriction of commerce and the
- 14 weakening of our defense capabilities; and
- 15 *Whereas*, ethanol alcohol is an energy supply that
- 16 could be produced and stored within our nation; and
- 17 *Whereas*, the raw materials for the production of
- 18 ethanol alcohol are renewable resources; and
- 19 *Whereas*, the development of such an energy supply
- 20 could greatly enhance our self-sufficiency in energy
- 21 supplies; and
- 22 *Whereas*, the Department of Defense possesses many
- 23 assets, including monetary resources through federal funding,
- 24 technical expertise in many areas, and a very large
- 25 infrastructure capable of supporting our nation's defense
- 26 needs; *Now Therefore*,
- 27 *Be It Resolved by the House of Representatives, the*
- 28 *Senate Concurring*, That the Congress of the United States
- 29 is requested to determine the potential for the development
- 30 of ethanol alcohol as a fuel source for the strengthening
- 31 of our nation's economy and defense; and

Page 2

- 1 *Be It Further Resolved*, That any analysis of the
2 potential use of ethanol alcohol as an energy supply include
3 a study of the possibilities that distilling facilities
4 owned by the federal government, including those of the
5 Department of Defense, could be leased to or operated by
6 the private sector, and that ethanol alcohol products
7 produced from those facilities would be made available
8 to the Department of Defense in times of national emergencies;
9 and
- 10 *Be It Further Resolved*, That copies of this resolution
11 shall be forwarded to all members of Iowa's congressional
12 delegation, to the Secretary of Defense, and to the
13 President of the United States.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 111

By Pope and Avenson

- 1 *Whereas*, the President of the United States, Ronald
2 Reagan, has accepted an invitation to address a joint
3 convention of the 1982 session of the Sixty-ninth General
4 Assembly, *Now Therefore*,
- 5 *Be It Resolved by the House of Representatives, the*
6 *Senate Concurring*, That a joint convention of the 1982
7 session of the Sixty-ninth General Assembly be held on
8 Tuesday, February 9, 1982, at 9:15 a.m., in order that
9 the President of the United States, Ronald Reagan, may
10 address the joint convention; and
- 11 *Be It Further Resolved*, That Governor Robert D. Ray,
12 the Chief Justice, members of the Supreme Court and Appellate
13 Court, the elected state officials, and the Iowa Congressional
14 delegation be invited to attend the joint convention; and
- 15 *Be It Further Resolved*, That the Speaker of the House
16 and the President of the Senate be designated to deliver this
17 invitation to them.

Laid over under Rule 30.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly Study Bill), relating to 1981-1982 supplemental appropriations and provisions affecting the expenditure of funds.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON COUNTY GOVERNMENT

House File 2142, a bill for an act exempting animal shelters from complying with requests by authorized institutions for dogs for use in scientific research.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 565, as amended), relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5066	H.F. 84	Doderer of Johnson Johnson of Linn
H-5070	H.F. 2335	Halvorson of Clayton Conlon of Muscatine Rapp of Black Hawk
H-5071	H.F. 2227	Schroeder of Pottawattamie Chiodo of Polk
H-5072	H.F. 2171	O'Kane of Woodbury
H-5073	H.F. 2171	Cochran of Webster Davitt of Warren
H-5074	H.C.R. 109	Clements of Scott
H-5075	H.F. 84	Doderer of Johnson

On motion by Pope of Polk, the House adjourned at 12:15 p.m., until 10:00 a.m., Monday, February 8, 1982.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 8, 1982

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

Prayer was offered by Father Lawrence Beeson, pastor of St. Patrick's Catholic Church, Neola.

The Journal of Friday, February 5, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Richard Reams, New Hampton.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton, for a portion of the morning, on request of Krewson of Polk; Baxter of Des Moines on request of Connolly of Dubuque; Miller of Buchanan, for the week of February 8, on request of Avenson of Fayette; Clark of Cerro Gordo, for the week of February 8, on request of Pope of Polk.

RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39, relating to the distribution of the Wednesday, February 10, 1982 Daily Debate Calendar.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 111

Pope of Polk called up for consideration House Concurrent Resolution 111, relating to a joint convention on February 9, 1982 for an address by President Ronald Reagan, filed on February 5, 1982 and found on page 285 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE (House Concurrent Resolution 111)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 111 be immediately messaged to the Senate.

HOUSE FILE 2171 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2171 and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS Regular Calendar

Senate File 322, a bill for an act prohibiting certain uses of licenses issued by the state conservation commission and providing a penalty, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 322)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy

Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Avenson	Baxter	Byerly	Chiodo
Clark, B. J.	Egenes	Gettings	Miller
Pelton	Pope	Rapp	Welden
Welsh			

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

House File 2224, a bill for an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2224)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick

Poffenberger	Poncy	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Avenson	Baxter	Byerly	Chiodo
Clark, B. J.	Egenes	Miller	Pope
Welden			

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

House File 2227, a bill for an act relating to the rate of interest allowed upon a judgment in favor of a dissenting shareholder, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5071 filed by Schroeder and Chiodo and moved its adoption:

H—5071

- 1 Amend House File 2227 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Sec. . This Act, being deemed of immediate
- 5 importance takes effect from and after its publication
- 6 in The Des Moines Register, a newspaper published
- 7 in Des Moines, Iowa, and in the Des Moines Tribune,
- 8 a newspaper published in Des Moines, Iowa."
- 9 2. By renumbering as necessary.

Amendment H—5071 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2227)

The ayes were, 91:

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

The nays were, none.

Absent or not voting, 9:

Avenson	Baxter	Byerly	Chiodo
Clark, B. J.	Crabb	Miller	Pope
Welden			

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

House File 2240, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2240)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Baxter	Byerly	Chiodo	Clark, B. J.
Miller			

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

House File 2248, a bill for an act relating to the hearing of small claims appeals and to the time for appearance in small claims actions, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2248)

The ayes were, 95:

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

The nays were, 1:

Lind

Absent or not voting, 4:

Baxter	Chiodo	Clark, B. J.	Miller
--------	--------	--------------	--------

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

House File 2249, a bill for an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2249)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Baxter	Chiodo	Clark, B. J.	Miller
Petrick			

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

House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H—5061 filed by him as follows:

H—5061

- 1 Amend House File 2250 as follows:
- 2 1. Page 1, line 20, by inserting after the
- 3 word "names" the words "which have telephone
- 4 facilities available when the public place is open
- 5 for business".

Spear of Lee offered amendment H—5076, to amendment H—5061, filed by him from the floor as follows:

H—5076

- 1 Amend the Spear amendment, H—5061, to House
- 2 File 2250 as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "business" the words "and businesses engaged in sell-
- 5 ing motor vehicle fuel which have restroom facilities
- 6 available when the public place is open for business".

Speaker pro-tempore Menke of O'Brien in the chair at 10:40 a.m.

Spear of Lee moved the adoption of amendment H—5076, to amendment H—5061.

A non-record roll call was requested.

The ayes were 60, nays 33.

Amendment H—5076 was adopted.

Spear of Lee moved the adoption of amendment H—5061, as amended.

Amendment H—5061, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2250)

The ayes were, 71:

Anderson, J.
Binneboese

Anderson, R.
Bruner

Arnould
Chiodo

Bennett
Clark, J. H.

Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Loneragan	Maulsby	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poncy	Pope	Rapp
Renken	Rosenberg	Schneklloth	Schroeder
Shull	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Tyrrell	Van Maanen
Walter	Welden	Mr. Speaker (Menke)	

The nays were, 24:

Avenson	Branstad	Byerly	Carl
Carpenter	Clements	De Groot	Hanson, D.
Jay	Knapp	Krewson	Lloyd-Jones
Mann	McKean	Mullins	Pelton
Poffenberger	Renaud	Ritsema	Running
Smalley	Trucano	Welsh	Woods

Absent or not voting, 5:

Baxter	Brandt	Clark, B. J.	Doderer
Miller			

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

HOUSE FILE 201 WITHDRAWN

Welsh of Dubuque asked and received unanimous consent to withdraw House File 201 from further consideration by the House.

House File 2333, a bill for an act relating to intestate shares when a decedent leaves a surviving spouse or a surviving spouse and issue, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2333)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Baxter	Clark, B.J.	Miller
--------	-------------	--------

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

HOUSE FILE 79 WITHDRAWN

Daggett of Taylor asked and received unanimous consent to withdraw House File 79 from further consideration by the House.

HOUSE FILE 2145 WITHDRAWN

Johnson of Woodbury asked and received unanimous consent to withdraw House File 2145 from further consideration by the House.

House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, with report of committee recommending passage was taken up for consideration.

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

Under the provisions of Rule 81, Harbor of Mills refrained from voting.

On the question "Shall the bill pass?" (H.F. 2334)

The ayes were, 94:

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

The nays were, 2:

Brandt

Smalley

Absent or not voting, 4:

Baxter

Clark, B. J.

Harbor

Miller

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

HOUSE FILE 2332 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2332 and that the bill retain its place on the calendar.

INTRODUCTION OF BILL

House File 2336, by committee on appropriations, a bill for an act relating to 1981-1982 supplemental appropriations and provisions affecting the expenditure of funds.

Read first time and placed on the appropriations calendar.

SENATE MESSAGE CONSIDERED

Senate File 488, by committee on judiciary, a bill for an act authorizing the department of social services to establish a sales bonus program for the sale of prison industry products.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 8, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 111, providing for a joint convention of the legislature at 9:15 a.m. on Tuesday, February 9, 1982, to hear an address by the President of the United States.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 210, a bill for an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 454, a bill for an act relating to quarterly reports by county officers.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 460, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 499, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 536, a bill for an act relating to multidisciplinary team access to child abuse information.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination.

Also: That the Senate has on February 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2021, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 112

By Clements

1 *Whereas*, the United States has been divided into ten
2 federal service regions, and the states, encouraged by the
3 promise of federal dollars or threat of withdrawal of
4 federal dollars, have been further divided into planning
5 and service districts; and

6 *Whereas*, Executive Order #12314 provides a Federal
7 Regional Council for each of the ten designated service
8 regions, composed of appointed officials selected by the
9 appointed heads of nine federal executive agencies; and

10 *Whereas*, Executive Order #12314 directs the Councils to
11 ensure that federal programs are implemented in a manner
12 consistent with overall federal policy; and

13 *Whereas*, there is no provision in Executive Order #12314
14 for the states to approve or disapprove the formation of
15 the Federal Regional Councils, nor to approve or disapprove
16 appointments to the Councils; and

17 *Whereas*, federally mandated regionalization often results
18 in an undesirable centralization of power and tends to
19 override the authority of state and local governments, and
20 may well conflict with the Tenth Amendment of the United
21 States Constitution, recognizing rights reserved to the states;

22 *Now Therefore,*

23 *Be It Resolved by the House of Representatives, the Senate*
24 *Concurring*, That we hereby request the President and the
25 Congress of the United States to rescind that portion of
26 Executive Order #12314 which provides for Regional Councils,
27 therefore restraining the tendency toward further federally
28 imposed regionalization; and

29 *Be It Further Resolved*, That copies of this resolution be
30 sent to the President of the United States and to the
31 members of the Iowa congressional delegation.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 113

By Anderson of Jasper, Krewson, Davitt, Dieleman, Bruner, Mullins, McKean,
Carpenter, Lloyd-Jones, Hanson of Delaware and Doderer

1 *Whereas*, the United States of America has em-
2 barked upon an unprecedented military buildup during
3 peacetime; and

4 *Whereas*, these military outlays will be 215.9
5 billion dollars in fiscal year 1983, and are pro-
6 jected to rise 15% in fiscal year 1984, 24% in fis-
7 cal year 1985, and 31% in fiscal year 1986 for a
8 total increase of 221% over fiscal year 1981; and

9 *Whereas*, it is questioned whether such a rapid

10 rate of military growth can be absorbed efficiently;
11 and

12 *Whereas*, these increases are coming at a time
13 of record breaking budget deficits in excess of
14 100 billion dollars per year; and

15 *Whereas*, the strength of a nation is determined
16 by its concern for its people and its economy as
17 well as military might; and

18 *Whereas*, these increases are coming at a time
19 when the national economy is suffering the worst
20 recessionary conditions and unemployment since the
21 great depression; and

22 *Whereas*, these increases are coming at a time
23 when virtually all domestic programs are being asked
24 to sacrifice through severe cuts in appropriations;
25 and

26 *Whereas*, the capital infrastructure provided
27 by government and necessary for future economic
28 growth and well-being is in a serious state of decay;
29 and

30 *Whereas*, the security of a nation is more than

Page 2

1 the quantities of weapons in its possession but
2 also includes the health, nourishment, education,
3 and morale of its citizens and sound economy; and

4 *Whereas*, the President is requesting further
5 budget cuts to reduce the largest deficits in the
6 history of this nation. *Now Therefore*,

7 *Be It Resolved by the House of Representatives*,
8 *the Senate Concurring*, That the Iowa General Assembly
9 call upon the President of the United States to
10 reduce the rate of growth in military expenditures
11 and restore a balanced view of national security; and

12 *Be It Further Resolved*, That a copy of this
13 resolution be forwarded to the President of the
14 United States, the President of the United States
15 Senate, and the Speaker of the United States House
16 of Representatives.

Laid over under Rule 30.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 8, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 783, an act relating to the licensing and examining boards, including the Board of Medical Examiners, and providing a penalty.

House File 846, an act relating to regulatory activities of the Department of insurance and the fees payable by persons subject to such regulation.

House File 857, an act to legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract.

Senate File 277, an act to authorize the Director of the Division of Adult Corrections of the Department of Social Services to implement an inmate employment program.

Senate File 518, an act relating to the registration of foreign support orders under Iowa's uniform support of dependents law.

Senate File 522, an act to require that the Department of Public Instruction and the area education agencies encourage schools to offer programs for gifted and talented children.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, February 5, 1982. Had I been present, I would have voted "aye" on House Files 396, 748, 2003, 2027, Senate Files 399, 494 and "nay" on Senate File 487.

KREWSON of Polk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 653 Judiciary and Law Enforcement

To allow husband or wife to be a witness against the other as to events or conversations occurring before the marriage.

S.B. 654 Judiciary and Law Enforcement

To legalize the proceedings of the Oskaloosa community school district relating to a sale of land.

S.B. 655 Judiciary and Law Enforcement

Revising the Iowa code of military justice including providing penalties.

PRESENTATION OF VISITORS

Cochran of Webster presented to the House, Steven Jacobs, Fort Dodge, who attends North Junior High School. He will be studying under Mr. Cochran during the week.

Mullins of Kossuth presented to the House, Sue Thomas, Lu Verne, who attends Lu Verne High School. She will be studying under Mrs. Mullins during the week.

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

Nineteen students from Baptist Church Academy, Ames, Iowa, accompanied by Mr. and Mrs. Ray Coffey. By Rosenberg of Story and Daggett of Taylor.

AMENDMENTS FILED

H-5077	H.F. 2013	Spear of Lee
H-5078	H.F. 2076	Johnson of Linn
H-5079	H.F. 2335	Conlon of Muscatine
		Rapp of Black Hawk
		Halvorson of Clayton
H-5080	H.F. 2171	Howell of Floyd
		Gettings of Wapello

On motion by Pope of Polk, the House adjourned at 11:10 a.m., until 8:30 a.m., Tuesday, February 9, 1982.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day—Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 9, 1982

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

Prayer was offered by the Reverend Frederick W. Strickland, pastor of the Corinthian Baptist Church, Des Moines.

The Journal of Monday, February 8, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, Marshalltown.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee: Diemer of Black Hawk, Smith of Scott and Dieleman of Marion.

IMMEDIATE MESSAGE

(House File 2334)

Pope of Polk asked and received unanimous consent that House File 2334 be immediately messaged to the Senate.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

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

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

JOINT CONVENTION

In accordance with House Concurrent Resolution 111, duly adopted, the joint convention was called to order, President Branstad presiding.

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

The motion prevailed.

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

The Sergeant-of-Arms announced that the President of the United States and the Governor of the State of Iowa were present in the House chamber.

The President of the United States, Ronald Reagan, was escorted to the Speaker's station by the Governor of Iowa, Robert D. Ray.

The President of the Senate introduced to the joint convention the Honorable Robert D. Ray, Governor of the State of Iowa.

Governor Robert D. Ray presented the President of the United States, Ronald Reagan, with the following remarks:

Thank You, Terry.

Mr. President, on behalf of everyone in this Chamber and nearly three million good Iowans, I welcome you to this Special Joint Convention, to our State Capitol and to our "home"...Iowa.

Iowa is a state with good reason to be proud of many firsts. Today, we are proud that you have come here to talk to us, in this, your first appearance in a series of speeches to legislatures around our land.

You will find people who want to listen, and who want to work with you. We want you to succeed; for if you succeed, we as a people will succeed.

Mr. President, in your first year in office you have helped us to appreciate again some of the values which have made America great. You have encouraged volunteerism. You have promoted patriotism. And, by word and deed, you have reminded us that America is a place where there is still heroism.

Mr. President, we are glad you are with us. Ladies and Gentlemen, it is my privilege to introduce to you the President of the United States.

Remarks by the
PRESIDENT OF THE UNITED STATES
RONALD REAGAN

Delivered before a Joint Session
of the Sixty-ninth General Assembly
Second Session

It is good to be here with you today, but I must tell you my real mission in Des Moines is at WHO radio. Some years back, as you may know, I recreated ball games on the air based on reports that came over the telegraph. Now I'd like to recreate the Rose Bowl game and this time around we are going to win.

When I knew the Hawkeyes back in the thirties, they were struggling to get out of one of those low spots that come every once in a while to a school and a team.

This year, Coach Hayden Fry, quarterback Gordy Bohannon and the rest of the team rode the comeback trail all the way to the Rose Bowl.

Our country today is at a turning point. We have lived too long by the maxims of past decades, lost in a jungle of government bureaucracy, tangled in its web of programs and regulations. Almost all of those government initiatives were intended to relieve suffering, enforce justice or preserve an environment threatened by pollution. But for each ounce of blessing, a pound of freedom was quietly stolen.

An all-intrusive federal government with big taxing and big spending doesn't work, never has worked, and never will. Those who cling to the policies of yesterday, who offer us only retreat, would condemn us and our children to decades more of economic decay — decades in which our days of greatness would be just a dim memory.

I have come here to talk about moving forward. It will take spirit, courage and strength for the long haul, but we must do it. I'm not here to promise miracles. But I believe we can promise progress.

So I have come to Des Moines to consult with you — to seek your counsel and your support as, together, we take the high road to national recovery and renewal. We share the trust of elected office, you for your state and I for our country. The people who sent you into office also sent me, and I have come to cement again the bond of partnership too many have forgotten.

Together we must go forward to ensure a decent standard of living for all Americans, but we must also protect for the next generation this fragile state of freedom so rare in the world and in the history of man.

I think we have taken the right first steps. We have begun to rebuild America's defenses, which had been left in dangerous decline. We have made clear our commitment to peace and stability in the world, and our willingness to participate in strategic arms reduction. But we also have made clear that we will not look the other way as aggressors usurp the rights of independent people, or watch idly while they foment revolutions to impose the rule of tyrants. We will not turn our backs on those who seek to gain or secure their liberty, and we will not back down from our duty to keep America strong enough to remain both free and at peace.

At home we have begun our campaign to return our economy and government to our people.

Our program for economic recovery and our proposal to restore the partnership between state, local and federal government are born from the same philosophy. They spring from an abiding faith in the American people, and in our ability to govern ourselves.

Forty years of uncontrolled government growth and mismanagement — forty years of removing the American economy from the hands of the American people — have resulted in the painful recession that grips us today. In four short months our programs have begun to restore incentive, cut away strangling regulations and, for the first time in decades, make significant gains against the budget monster.

And what do you know?

Inflation has dropped to single digits for the first time in 3 years — but it is not low enough yet. Interest rates are below their once dizzying heights, but not yet low enough.

Our tax and budget cuts were the largest in history, but they only reduced the rate of increase in taxing and spending. We must hold firm to our tax cuts and reduce the budget even more. We have much to do before we will see the light, but I think we are at least approaching the bend in the tunnel.

Deficits, it is true, still loom large in our forecasts, but they should not overshadow the incentive and drive that is already building in our people. Our people are beginning to save again. There has been an increase in the savings rate since the fiscal year and our programs began in October. The private savings pool could grow as much as \$250 billion by 1984. This will bring needed growth to our economy and ease the strain on the money supply. In addition, yesterday we submitted to the Congress a budget schedule that will reduce the federal deficit every year. Our deficits will be trending downward.

I'd like to pause here a moment and clear up a couple of things about the budget proposal we sent to Congress yesterday, so if the reporters would pick up their pencils and the TV correspondents turn on their cameras, I have an announcement.

There will be no general budget cut this year, and there was no budget cut last year. What we did and what we are doing, is reducing the rate of growth in federal spending. What we are doing is bringing old-fashioned discipline to the budget. Even before the budget came out you could hear the sound of knees jerking all over Washington. The knee jerk reactions and instant analysis were as hasty as they were incorrect. Despite all the talk, there is a deafening silence on alternatives. From these two pronouncements, you wouldn't know that under our proposed spending for the elderly we'll set a new record of \$210 billion dollars, more than double the amount as recently as 1978. You wouldn't know to hear them that 19 million people will still get food stamps and over 95 million meals a day, one out of every seven, will still be subsidized, that Head Start, the National Institute of Health, Minority Business Assistance and two traditionally black colleges and other major programs will not be reduced from our 1982 requests. Suddenly people who previously believed that deficit was something that you tried to increase were bemoaning the fact that we had one.

They didn't tell you that this year's budget marks the lowest annual budget growth in fourteen years. They didn't tell you that this deficit is actually smaller in proportion to Gross National Product than in the last recession recovery cycle of 1975-78, or that the deficits would decline in future years. Yes, the deficit is too big, but I'm not about to use a magic pencil and merely create a balanced budget or a lower deficit on paper as has been done in the past. The budget we propose is a line drawn in the dirt. Those who are serious about reducing the deficit will cross it and work with us on our proposal or their alternatives. Those who are not sincere in their concern about the deficit will stay on the other side and simply continue the theatrics. The American people are tired of theatrics. They want action, and let me tell you, they know the difference.

Our first commitment was to secure America's freedom. We are rebuilding our defenses. Our second commitment was to restore America's economy. We have in place the first installments of a solid program for economic recovery. We turn now to our next commitment: paring the unmanageable size of the Federal bureaucracy, returning government to the governed.

Removing the possibility of solving problems where they occur, forcing Americans to accept the dictates of a swollen bureaucracy in Washington instead of dealing with their neighbors in city hall or the statehouse, has to be one of the more serious mistakes of this century. The federal government has become involved in such traditionally local concerns as fire protection, police pensions, welfare and pothole repair. In the last twenty years, the volume of grants-in-aid has virtually exploded.

For example, in 1960, total federal involvement in fire protection amounted to a cooperative agreement between the Forest Service and state agencies. Today, every federal department, except State and Defense, and at least eleven other agencies have their fingers in the fire-related activities of state and local governments. And the taxpayer gets burned.

Divisions of responsibility have blurred beyond recognition. The intentions of big government were good, but the result has been overwhelming inefficiency, waste and the kind of regulation that ends all hope of finding local answers to local needs. The willingness of the federal government to inject itself in matters more properly considered by city or county councils, school boards or state legislatures has resulted in a confused citizenry unsure of who to turn to, unaware of who to blame when things go wrong.

We have to face facts. As one mayor recently put it, big government has led to an unstable economy, low productivity, and high unemployment. The American people want a change. America needs a change and we intend to provide it.

We have proposed the broad outlines of a plan to restore the accountability now missing in our bloated government. We want to consult with you and your colleagues around the country to develop the details that will make it work.

Our initial program includes the transfer to the states of more than forty federal programs in the areas of education, transportation, community development and social services. And we want to send back the tax sources to pay for them, as well. But the centerpiece of the proposal is the almost dollar-for-dollar swap of two of the largest areas of welfare. The federal government would take over medicaid in exchange for state assumption of aid to families with dependent children and food stamps.

Since medicaid is growing at a much faster rate than those other programs, the federal government would assume the heavier burden.

We also have proposed a transition period of eight years and establishment of a grass roots trust fund to ease the return of programs and tax bases. These are the areas we want to discuss with you.

Certain law enforcement and civil rights programs dealing with the handicapped and minorities should remain at the federal level, but we want to re-establish with you a clear and workable philosophy to divide the functions of government.

Let us not confuse the ideals that launched the last forty years of centralization with the failed realities it has produced. Let us recognize the good that has come from our past efforts, but also understand that we have come into a new day and must change the way we view government and government's role in our rapidly changing society.

Governor Thomas Kean of New Jersey, in his inaugural address last month, said: "We must turn to ourselves, to draw upon the diversity of our people and tap the strength inherent in that diversity. We cannot view this need to change with resignation; rather, it must be viewed as a challenge to our ingenuity, our dedication and our imagination."

Here in Iowa you have a strong, two-party system. Your Governor, Bob Ray, has provided strong leadership and your Congressional delegation — led by Senators Roger Jepsen and Chuck Grassley — serve you and our country well. Innovation and reform have been the hallmarks of this legislature. Your reapportionment plan has been called a model for the country. You have made significant advances against waste and fraud and have a tradition of top-quality public education.

Yet there are pundits in Washington who consider the statehouse to be the backwater of American politics. They do not trust you to run your own affairs. They do not trust you to show compassion to your needy nor justice to your disadvantaged.

Just a few weeks ago, someone in a key leadership position in the U.S. House of Representatives, one of the people who for decades has presided over the dissolution of our national economy and system of government, said he would be in no hurry to transfer the authority and resources that belong to you back to your control. He said he knew of a dozen states right now that would shirk their responsibilities. He didn't happen to name those dozen states. It makes you wonder which states are not American enough for him? I'm sure the people in statehouses around this country would like to know.

First the elitists fought the tax cuts, saying the American people could not be trusted with an increased share of their own earnings. Now they say the people we elect to state and local office can't be trusted to run state and local affairs. Well then, who can we trust? A handful of individuals with a strong case of Potomac Fever; the very individuals who got us into this mess to begin with?

A recent Gallup poll says that today Americans by nearly 2-1 trust state governments more than the federal government to remain free of corruption and administer programs efficiently. Washington, D.C. has no corner on compassion or wisdom or morality. If we do nothing else in this Administration, we're going to convince that city that the power, the money and the responsibility of this country begin and end with the people and not in some puzzle palace on the Potomac.

Some would have us believe that today's world is too complex and our needs too large to be managed by self-rule. But if no one among us is capable of governing himself, then who among us has the capacity to govern the rest of us?

It has been said that if we lose this way of ours — this thing we call freedom — history will record with the greatest astonishment that those who had the most to lose did the least to prevent its happening. That must not be said of us.

I have told you I am confident our economic recovery program will succeed. That is not wishful thinking. Our plan is based on simple logic. We have deficits because government spends more than it takes in. We've had only one balanced budget in the last twenty years. Today's interest on the trillion dollar debt is greater than the total budget in Eisenhower's day. So we are reducing the size and cost of government to bring the annual increase in costs to less than the increase in tax revenues. Increasing taxes is not an answer. We doubled taxes between 1976 and 1981 and had the biggest string of deficits in our history. Besides that, taxes reduced our ability as individuals to save.

Today we are last of the seven top industrial nations in savings and investment. Our industrial plant and machinery averages seventeen years in age. In Japan, the average is ten years. So we are reducing the tax rate. Government regulations have cost the American economy an estimated \$100 billion a year — we are reducing the number of regulations.

The federal government has, at great cost, been attempting to perform tasks that are not its proper function. So we are restoring the Tenth Amendment to the Constitution which says the federal government will do only those things called for in the Constitution and all others shall remain with the states or the people.

I do not believe our destiny is to watch this unique experiment in government slip from disrepair into decay. But if we remember that freedom rests, and always will, on the individual — on individual integrity, on individual effort, on individual courage and in an individual faith in God — then we will have met the challenge of our generation, and brought our great nation safely through our turning point in history.

I look to you today and in the coming weeks for guidance as we fashion a new framework for partnership in government. I ask you to join me as we move forward into a new and more prosperous era for America and for all of our people.

I promise you there will be no winners and no losers among the states. I promise you that it will be a fair trade and that the federal government will continue to meet its responsibilities for those things in the Constitution, as imposed upon it, but we will in turn have faith in your compassion, in your good judgment, and in your sense of responsibility to those people that you represent here in this great state.

Thank you very much and God bless you.

The President of the United States, Ronald Reagan, was escorted from the House chamber by Governor Robert D. Ray.

Pope of Polk moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Stromer in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 105, congratulating the 1981 Iowa Hawkeye Football Team.

Also: That the Senate has on February 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2112, a bill for an act permitting school districts to combine the positions of secretary and treasurer.

Also: That the Senate has on February 5, 1982, passed (with amendment S—5057 adopted) the following bill in which the concurrence of the House is asked:

Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Also: That the Senate has on February 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2084, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election.

K. MARIE THAYER, Secretary

HOUSE RESOLUTION 104

By Walter

- 1 *Whereas*, abuse of vulnerable individuals including
- 2 children, the aged, and the mentally impaired is prevalent
- 3 in residential settings; and
- 4 *Whereas*, it is a goal of the present federal administra-
- 5 tion to restrain this abuse; and
- 6 *Whereas*, the Christian Home Association in Council
- 7 Bluffs, which has served the needs of children since
- 8 1883, has developed a project to prevent abuse in resi-
- 9 dential settings; and
- 10 *Whereas*, the United States Department of Health and
- 11 Human Services is receiving proposals, relating to
- 12 prevention of abuse and neglect in residential settings,
- 13 from interested agencies and organizations and will
- 14 choose four of the proposals to be funded with a total
- 15 of \$775,000; and
- 16 *Whereas*, the Christian Home Association's project
- 17 will serve many Iowans, in seeking to eliminate abuse in
- 18 residential settings; *Now Therefore*,
- 19 *Be It Resolved by the House of Representatives*, That
- 20 the Department of Health and Human Services is encouraged
- 21 to award one of the four grants to the Christian Home
- 22 Association in Council Bluffs to enable it to continue to
- 23 provide its much needed services; and
- 24 *Be It Further Resolved*, That a copy of this resolution
- 25 be forwarded to the Secretary of the Department of
- 26 Health and Human Services.

Laid over under Rule 30.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 656 Judiciary and Law Enforcement

To provide a two-year statute of limitations for actions founded

upon a violation of rights protected by the United States Constitution, Iowa Constitution, federal statute or state statute.

S.B. 657 Labor and Industrial Relations

Relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

S.B. 658 State Government

Relating to the duties of the city solicitor or attorney under the police and fire retirement systems.

S.B. 659 Human Resources

Relating to a person's limit of liability to the county for the care and treatment of mentally ill persons at state mental health institutes and county care facilities.

S.B. 660 Energy

Relating to Central Interstate Low-level Radioactive Waste Compact.

S.B. 661 Judiciary and Law Enforcement

Making records of court ordered support payments public records.

S.B. 662 Judiciary and Law Enforcement

Correcting erroneous, inconsistent and obsolete provisions of the Code, including penalty provisions.

S.B. 663 Ways and Means

Relating to the state income tax by allowing a deduction of contributions to an individual retirement account, providing a state minimum tax on tax preference items, and making the provisions of this Act retroactive, effective upon publication.

S.B. 664 Judiciary and Law Enforcement

Relating to theft of a motor vehicle and providing a penalty.

S.B. 665 Judiciary and Law Enforcement

Eliminating the provision that a discharge in bankruptcy does not relieve a judgment debtor from the requirement to furnish proof of financial responsibility.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

Study Bill 650, to establish an Iowa advisory commission in intergovernmental relations.

Fiscal Note is not required.

Committee Action Failed to Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly House File 2093, as amended), relating to emergency assistance by volunteer fire fighters and rescue service operators.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2202, as amended), requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 554), regarding amount of conservatorship.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 555, as amended), relating to the definition of adjusted gross estate.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 609), making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals more uniform and consistent.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 631), to prohibit bail following conviction of forcible felony.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5081	H.F. 2171	Cochran of Webster Davitt of Warren
H-5082	H.F. 2171	Shull of Warren Schnekloth of Scott
H-5083	H.F. 2335	Spear of Lee
H-5084	H.F. 2335	Spear of Lee

On motion by Pope of Polk, the House adjourned at 11:15 a.m., until 9:00 a.m., Wednesday, February 10, 1982.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day—Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 10, 1982

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

Prayer was offered by the Reverend Wayne Kamm, pastor of the United Methodist Church, Woodward.

The Journal of Tuesday, February 9, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gerald McGowan, Sioux City.

PETITION FILED

The following petition was received and placed on file:

By Binneboese of Plymouth, from sixty-six residents from northern Iowa, favoring House File 78.

INTRODUCTION OF BILL

House File 2337, by committee on county government, a bill for an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 396, by committee on county government, a bill for an act relating to the platting and recording of resurveyed or subdivided land and providing a penalty.

Read first time and referred to committee on county government.

Senate File 454, by committee on county government, a bill for an act relating to quarterly reports by county officers.

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

Senate File 460, by committee on county government, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

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

Senate File 499, by committee on county government, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts.

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

Senate File 536, by committee on human resources, a bill for an act relating to multidisciplinary team access to child abuse information.

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

Senate File 537, by committee on human resources, a bill for an act to abolish the requirement for a premarital syphilis examination.

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

Senate File 2021, by Holden, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 444, a bill for an act relating to the payment of state aid for pupils previously enrolled in a laboratory school.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 797, a bill for an act relating to the certified eligible list for promotion for city civil service.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 856, a bill for an act to legalize the proceedings of the city council of Chariton relating to the construction of certain buildings.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2068, a bill for an act relating to payment of expenses by boards of directors of merged areas.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2077, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators and liquid transport carriers by providing minimum liability limits for transporting hazardous materials.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act amending the schedule of controlled substances.

Also: That the Senate has on February 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2126, a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1.

K. MARIE THAYER, Secretary

On motion by Pope of Polk, the House was recessed at 9:12 a.m., until 11:45 a.m.

The House resumed session, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 114
By Committee on Energy

1 *Whereas*, the Natural Gas Policy Act of 1978 calls for the
2 gradual decontrol of natural gas prices through 1985; and

3 *Whereas*, the President of the United States has considered
4 the accelerated decontrol of natural gas prices; and

5 *Whereas*, Iowans spent \$668 million on natural gas in 1980
6 and that this expenditure could reach \$1.5 billion by 1985
7 even with the current natural gas decontrol schedule; and

8 *Whereas*, the Iowa Energy Policy Council has projected that
9 the additional cost to Iowans of accelerated decontrol of
10 natural gas prices could be \$1 billion by the end of 1986; and

11 *Whereas*, the potential for declining economic activity, a
12 less productive and profitable industrial and agricultural
13 base, and the loss of a substantial number of jobs as a
14 direct result of escalating natural gas prices by the mid-
15 1980's is real; and

16 *Whereas*, uncontrolled decontrol of natural gas prices
17 could result in inflationary increases in the consumer prices
18 for food, clothing, housing, medical care and other house-
19 hold necessities and in the agricultural prices for fertilizers,
20 pesticides and herbicides; and

21 *Whereas*, Governor Robert Ray and the Iowa Energy Policy
22 Council are on record in favor of maintaining the present
23 gradual decontrol policy as opposed to the proposed
24 accelerated decontrol policy; *Now Therefore*,

25 *Be It Resolved by the House of Representatives, the*
26 *Senate Concurring*, That this General Assembly opposes the
27 accelerated decontrol of natural gas prices being considered
28 by the President of the United States; and

29 *Be It Further Resolved*, That copies of this resolution
30 be transmitted to the members of Iowa's Congressional

Page 2

- 1 delegation and to the President of the United States, the
- 2 Speaker of the United States House of Representatives, and
- 3 to the President of the United States Senate, with the
- 4 request that they lay this resolution before their respective
- 5 bodies.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 11:50 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2338, by committee on judiciary and law enforcement, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals more uniform and consistent.

Read first time and placed on the calendar.

House File 2339, by committee on judiciary and law enforcement, a bill for an act to prohibit bail following conviction of a forcible felony.

Read first time and placed on the calendar.

House File 2340, by committee on judiciary and law enforcement, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 312, by committee on energy, a bill for an act providing that passive solar energy systems added as improvements to

buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

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

Senate File 367, by Ramsey, Lura, Miller of Des Moines, Jensen, Nystrom, Junkins, Carr, Schwengels, Rush, Rodgers, Baugher and Bisenius, a bill for an act relating to money received by criminals as a result of the commission of crime.

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

Senate File 2046, by Van Gilst, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation.

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

Senate File 2068, by Taylor and Nystrom, a bill for an act relating to payment of expenses by boards of directors of merged areas.

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

Senate File 2077, by Taylor and Nystrom, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

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

Senate File 2084, by committee on state government, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election.

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

Senate File 2101, by committee on judiciary, a bill for an act amending the schedule of controlled substances.

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

Senate File 2126, by committee on judiciary, a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1.

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

QUORUM CALL

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

CONSIDERATION OF BILLS Appropriations Calendar

The House resumed consideration of **House File 2171**, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication.

Davitt of Warren asked for unanimous consent to withdraw amendment H—5058 filed by him.

Objection was raised.

Avenson of Fayette rose on a point of order regarding the objection to withdraw amendment H—5058.

The House stood at ease at 2:58 p.m. until the fall of the gavel.

The House resumed session at 3:35 p.m., Speaker Stromer in the chair.

The Speaker ruled the point not well taken.

Avenson of Fayette rose on a point of order and challenged the ruling of the chair.

On the question "Shall the ruling of the chair be sustained?", a non-record roll call was requested.

The ayes were 54, nays 42.

The motion prevailed and the ruling of the chair was sustained.

Davitt of Warren offered amendment H—5058 filed by him as follows:

H—5058

1 Amend House File 2171 as follows:

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

4 "Section 1. Section 422.4, subsection 17, Code
5 1981, as amended by Acts of the Sixty-ninth General
6 Assembly, 1981 Session, chapter 132, section 2, is
7 amended to read as follows:

8 17. "Internal Revenue Code of 1954" means the
9 Internal Revenue Code of 1954, as amended to and
10 including January 1, 1981 1982.

11 Sec. 2. Section 422.7, subsection 8, Code 1981,
12 is amended to read as follows:

13 8. Married taxpayers who file a joint federal
14 income tax return and who elect to file separate
15 returns or separate filing on a combined return for
16 Iowa income tax purposes, may avail themselves of
17 the additional first-year depreciation expensing of
18 business assets and capital loss provisions of sections
19 179(a) and 1211(b) respectively of the Internal Revenue
20 Code of 1954 and shall compute the amount of additional
21 first-year depreciation expensing of business assets
22 and capital loss subject to the limitations for joint
23 federal income tax return filers provided by sections
24 179(b) and 1211(b) respectively of the Internal Revenue
25 Code of 1954.

26 Sec. 3. Section 422.7, Code 1981, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. Married taxpayers, who file a
29 joint federal income tax return and who elect to file
30 separate returns or separate filing on a combined
31 return for state income tax purposes, may avail
32 themselves of the dividend exclusion provisions of

33 section 116(a) of the Internal Revenue Code of 1954
34 and shall compute the dividend exclusion subject to
35 the limitations for joint federal income tax returns
36 filers provided by section 116(a) of the Internal
37 Revenue Code of 1954.

38 Sec. 4. Section 422.7, Code 1981, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. The deduction for a married couple
41 where both persons are wage earners which is provided
42 by section 221 of the Internal Revenue Code of 1954
43 is not applicable in computing Iowa net income for
44 tax years beginning on or after January 1, 1982.

45 Sec. 5. Section 422.9, subsection 1, Code 1981,
46 is amended to read as follows:

47 1. An optional standard deduction of fifteen
48 percent of the net income after deduction of federal
49 income tax, not to exceed one thousand two hundred
50 dollars for a married person who files separately,

Page 2

1 one thousand two hundred dollars for a single person
2 or three thousand dollars for a husband and wife who
3 file a joint return, a surviving spouse as defined
4 in section 2 of the Internal Revenue Code of 1954,
5 or an unmarried head of household as defined in the
6 Internal Revenue Code of 1954. The amount of the
7 federal income tax deducted shall not exceed fifteen
8 thousand dollars.

9 Sec. 6. Section 422.9, subsection 2, paragraph
10 b, Code 1981, is amended to read as follows:

11 b. Add the amount of federal income taxes paid
12 or accrued as the case may be, during the tax year,
13 adjusted by any federal income tax refunds. However,
14 the amount added shall not exceed fifteen thousand
15 dollars. Provided, however, that where If married
16 persons, who have filed a joint federal income tax
17 return, file separately, such the total shall be
18 divided between them according to the portion thereof
19 paid or accrued, as the case may be, by each.

20 Sec. 7. Section 422.9, subsection 2, Code 1981,
21 is amended by adding the following new lettered
22 paragraph:

23 NEW LETTERED PARAGRAPH. Subtract the adoption
24 deduction permitted under section 222 of the Internal
25 Revenue Code of 1954.

26 Sec. 8. Section 422.9, subsection 3, paragraphs
27 b and c, Code 1981, are amended to read as follows:

28 b. The Iowa net operating loss remaining after
29 being carried back as required in paragraph "a" of
30 this subsection or if not required to be carried back
31 shall be carried forward seven fifteen taxable years.

32 c. If the election under section 172(b)(3)(C)
33 of the Internal Revenue Code of 1954 is made, the
34 Iowa net operating loss shall be carried forward seven
35 fifteen taxable years.
36 Sec. 9. Section 422.32, subsection 4, Code 1981,
37 as amended by Acts of the Sixty-ninth General Assembly,
38 1981 Session, chapter 132, section 7, is amended to
39 read as follows:
40 4. "Internal Revenue Code of 1954" means the
41 Internal Revenue Code of 1954, as amended to and
42 including January 1, 1981 1982.
43 Sec. 10. Section 422.35, subsection 4, Code 1981,
44 is amended to read as follows:
45 4. Subtract fifty percent of the first one hundred
46 thousand dollars and twenty percent of the amount
47 exceeding one hundred thousand dollars of the federal
48 income taxes paid or accrued, as the case may be,
49 during the tax year, adjusted by any federal income
50 tax refunds; and add the Iowa income tax deducted

Page 3

1 in computing said the taxable income.
2 Sec. 11. Section 422.35, subsection 7, paragraphs
3 b and c, Code 1981, are amended to read as follows:
4 b. The Iowa net operating loss remaining after
5 being carried back as required in paragraph "a" of
6 this subsection or if not required to be carried back
7 shall be carried forward seven fifteen taxable years.
8 c. If the election under section 172(b)(3)(C)
9 of the Internal Revenue Code of 1954 is made, the
10 Iowa net operating loss shall be carried forward seven
11 fifteen taxable years.
12 Sec. 12. Section 427A.9, Code 1981, is amended
13 by inserting after unnumbered paragraph 2 the following
14 new unnumbered paragraph:
15 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
16 provisions of this section which require an increase
17 in general fund revenues in excess of five and one-
18 half percent, adjusted for changes in rate or basis,
19 to increase the personal property tax credit, the
20 amount of the personal property tax credit, to be
21 allowed for taxes payable in the fiscal year beginning
22 July 1, 1982 and ending June 30, 1983 shall be
23 increased as provided in this section.
24 Sec. 13. Acts of the Sixty-ninth General Assembly,
25 1981 Session, chapter 132, sections 4 and 5, are
26 repealed.
27 Sec. 14. Acts of the Sixty-ninth General Assembly,
28 1981 Session, chapter 147, section 14, is amended
29 to read as follows:

30 SEC. 14. NEW SECTION. There is imposed upon the
31 qualified heir an additional inheritance tax if,
32 within ~~fifteen~~ ten years after the decedent's death
33 and before the death of the qualified heir, the
34 qualified heir disposes of, other than to a member
35 of the family, any interest in qualified real property
36 for which an election under section 13 of this Act
37 was made or ceases to use for the qualified use the
38 qualified real property for which an election under
39 section 13 of this Act was made as prescribed in
40 section 2032A(c) of the Internal Revenue Code of 1954.
41 The additional inheritance tax shall be the amount
42 computed under sections 15 and section 16 of this
43 Act and shall be due six months after the date of
44 the disposition or cessation of qualified use referred
45 to in this section. The amount of the additional
46 inheritance tax shall accrue interest at the rate
47 of ten percent per year from nine months after the
48 decedent's death to the due date of the tax. The
49 tax shall be paid to the department of revenue and
50 shall be deposited into the general fund of the state.

Page 4

1 Taxes not paid within the time prescribed in this
2 section shall draw interest at the rate of ten percent
3 per annum until paid. There shall not be an additional
4 inheritance tax if the disposition or cessation occurs
5 ten years or more after the decedent's death.

6 Sec. 15. Acts of the Sixty-ninth General Assembly,
7 1981 Session, chapter 147, section 15, is repealed.

8 Sec. 16. Acts of the Sixty-ninth General Assembly,
9 1981 Session, chapter 147, section 17, is amended
10 to read as follows:

11 SEC. 17. NEW SECTION. A lien is created in favor
12 of the state for the additional inheritance tax which
13 may be imposed by section 14 of this Act on the
14 qualified real property for which an election has
15 been made under section 13 of this Act. The lien
16 created by this section shall continue until the tax
17 has been paid or ten years after the tax is due,
18 whichever date occurs first. However, the lien shall
19 expire ~~fifteen~~ ten years after the decedent's death
20 if the qualified heir has not disposed of or ceased
21 to use for the qualified use the qualified real
22 property which would impose the tax under section
23 14 of this Act. The department of revenue may release
24 the lien prior to the payment of the tax due, if any,
25 if adequate security for payment of the tax is given.

26 Unless the lien has been perfected by recording
27 in the office of the recorder in the county where

28 the estate is probated, a transfer of the qualified
29 real property to a bona fide purchaser for value shall
30 divest the property of the lien. If the lien is
31 perfected by recording, the rights of the state under
32 the lien have priority over all subsequent mortgagees,
33 purchasers or judgment creditors. The lien may be
34 foreclosed by the director of revenue in the same
35 manner as is now prescribed for the foreclosure of
36 real estate mortgages and upon judgment, execution
37 shall be issued to sell as much of the property
38 necessary to satisfy the tax, interest and costs due.

39 Sec. 17. Sections 1, 5, 6, 7, 9, and 10 of this Act
40 are retroactive to January 1, 1981 for tax years
41 beginning on or after January 1, 1981.

42 Sec. 18. Sections 2, 3, 4, 6, and 13 of this Act
43 are retroactive to January 1, 1982 for tax years
44 beginning on or after January 1, 1982.

45 Sec. 19. Sections 8 and 11 of this Act are
46 retroactive to January 1, 1976 for losses arising
47 in tax years ending on or after January 1, 1976.

48 Sec. 20. Sections 14, 15, and 16 of this Act are
49 effective July 1, 1982 for estates of individuals
50 dying on or after July 1, 1982.

Page 5

1 Sec. 21. This Act, being deemed of immediate
2 importance, takes effect from and after its publication
3 in the Charles City Press, a newspaper published in
4 Charles City, Iowa, and in The Record-Herald and
5 Indianola Tribune, a newspaper published in Indianola,
6 Iowa."

Davitt of Warren rose on a point of order that amendment H-5058 was not germane.

The Speaker ruled the point not well taken and amendment H-5058 germane.

Connors of Polk moved to withdraw amendment H-5058.

Roll call was requested by Connolly of Dubuque and Welsh of Dubuque.

On the question "Shall amendment H-5058 be withdrawn?"

The ayes were, 43:

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

The nays were, 54:

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

Absent or not voting, 3:

Brandt	Clark, B. J.	Miller
--------	--------------	--------

The motion lost.

Cochran of Webster offered the following amendment H—5073, to amendment H—5058, filed by Cochran and Davitt:

H—5073

- 1 Amend the Davitt amendment, H—5058, to House File
- 2 2171 as follows:
- 3 1. By striking page 1, line 1 through page 5,
- 4 line 6, and inserting in lieu thereof the following:
- 5 "Amend House File 2171 as follows:
- 6 1. By striking everything after the enacting
- 7 clause and inserting in lieu thereof the following:
- 8 "Section 1. Section 422.4, subsection 17, Code

9 1981, as amended by Acts of the Sixty-ninth General
10 Assembly, 1981 Session, chapter 132, section 2, is
11 amended to read as follows:

12 17. "Internal Revenue Code of 1954" means the
13 Internal Revenue Code of 1954, as amended to and
14 including January 1, 1981 1982.

15 Sec. 2. Section 422.7, subsection 8, Code 1981,
16 is amended to read as follows:

17 8. Married taxpayers who file a joint federal
18 income tax return and who elect to file separate
19 returns or separate filing on a combined return for
20 Iowa income tax purposes, may avail themselves of
21 the additional first-year depreciation- expensing of
22 business assets and capital loss provisions of sections
23 179(a) and 1211(b) respectively of the Internal Revenue
24 Code of 1954 and shall compute the amount of additional
25 first-year depreciation- expensing of business assets
26 and capital loss subject to the limitations for joint
27 federal income tax return filers provided by sections
28 179(b) and 1211(b) respectively of the Internal Revenue
29 Code of 1954.

30 Sec. 3. Section 422.7, Code 1981, is amended by
31 adding the following new subsection:

32 **NEW SUBSECTION.** Married taxpayers, who file a
33 joint federal income tax return and who elect to file
34 separate returns or separate filing on a combined
35 return for state income tax purposes, may avail
36 themselves of the dividend exclusion provisions of
37 section 116(a) of the Internal Revenue Code of 1954
38 and shall compute the dividend exclusion subject to
39 the limitations for joint federal income tax returns
40 filers provided by section 116(a) of the Internal
41 Revenue Code of 1954.

42 Sec. 4. Section 422.7, Code 1981, is amended by
43 adding the following new subsection:

44 **NEW SUBSECTION.** The deduction for a married couple
45 where both persons are wage earners which is provided
46 by section 221 of the Internal Revenue Code of 1954
47 is not applicable in computing Iowa net income for
48 tax years beginning on or after January 1, 1982.

49 Sec. 5. Section 422.9, subsection 1, Code 1981,
50 is amended to read as follows:

Page 2

1 1. An optional standard deduction of fifteen
2 percent of the net income after deduction of federal
3 income tax, not to exceed one thousand two hundred
4 dollars for a married person who files separately,
5 one thousand two hundred dollars for a single person
6 or three thousand dollars for a husband and wife who

7 file a joint return, a surviving spouse as defined
8 in section 2 of the Internal Revenue Code of 1954,
9 or an unmarried head of household as defined in the
10 Internal Revenue Code of 1954. The amount of the
11 federal income tax deducted shall not exceed fifteen
12 thousand dollars.

13 Sec. 6. Section 422.9, subsection 2, paragraph
14 b, Code 1981, is amended to read as follows:

15 b. Add the amount of federal income taxes paid
16 or accrued as the case may be, during the tax year,
17 adjusted by any federal income tax refunds. However,
18 the amount added shall not exceed fifteen thousand
19 dollars. Provided, however, that where If married
20 persons, who have filed a joint federal income tax
21 return, file separately, such the total shall be
22 divided between them according to the portion thereof
23 paid or accrued, as the case may be, by each.

24 Sec. 7. Section 422.9, subsection 2, Code 1981,
25 is amended by adding the following new lettered
26 paragraph:

27 NEW LETTERED PARAGRAPH. Subtract the adoption
28 deduction permitted under section 222 of the Internal
29 Revenue Code of 1954.

30 Sec. 8. Section 422.9, subsection 3, paragraphs
31 b and c, Code 1981, are amended to read as follows:

32 b. The Iowa net operating loss remaining after
33 being carried back as required in paragraph "a" of
34 this subsection or if not required to be carried back
35 shall be carried forward seven fifteen taxable years.

36 c. If the election under section 172(b)(3)(C)
37 of the Internal Revenue Code of 1954 is made, the
38 Iowa net operating loss shall be carried forward seven
39 fifteen taxable years.

40 Sec. 9. Section 422.32, subsection 4, Code 1981,
41 as amended by Acts of the Sixty-ninth General Assembly,
42 1981 Session, chapter 132, section 7, is amended to
43 read as follows:

44 4. "Internal Revenue Code of 1954" means the
45 Internal Revenue Code of 1954, ~~as~~ amended to and
46 including January 1, ~~1981~~ 1982.

47 Sec. 10. Section 422.35, subsection 4, Code 1981,
48 is amended to read as follows:

49 4. Subtract fifty percent of the first one hundred
50 thousand dollars and twenty percent of the amount

Page 3

1 exceeding one hundred thousand dollars of the federal
2 income taxes paid or accrued, as the case may be,
3 during the tax year, adjusted by any federal income
4 tax refunds; and add the Iowa income tax deducted

5 in computing said the taxable income.

6 Sec. 11. Section 422.35, subsection 7, paragraphs
7 b and c, Code 1981, are amended to read as follows:

8 b. The Iowa net operating loss remaining after
9 being carried back as required in paragraph "a" of
10 this subsection or if not required to be carried back
11 shall be carried forward seven fifteen taxable years.

12 c. If the election under section 172(b)(3)(C)
13 of the Internal Revenue Code of 1954 is made, the
14 Iowa net operating loss shall be carried forward seven
15 fifteen taxable years.

16 Sec. 12. Section 427A.9, Code 1981, is amended
17 by inserting after unnumbered paragraph 2 the following
18 new unnumbered paragraph:

19 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
20 provisions of this section which require an increase
21 in general fund revenues in excess of five and one-
22 half percent, adjusted for changes in rate or basis,
23 to increase the personal property tax credit, the
24 amount of the personal property tax credit, to be
25 allowed for taxes payable in the fiscal year beginning
26 July 1, 1982 and ending June 30, 1983 shall be
27 increased as provided in this section.

28 Sec. 13. Chapter 427B, Code 1981, is amended by
29 adding sections 14 through 18 of this Act.

30 Sec. 14. **NEW SECTION.** For property defined in
31 section 427A.1, subsection 1, paragraphs e and j
32 acquired or initially leased after December 31, 1980,
33 the taxpayer's valuation shall be limited to thirty
34 percent of the net acquisition cost of the property.
35 For purposes of this section, "net acquisition cost"
36 means the acquired cost of the property including
37 all foundations and installation cost less any excess
38 cost adjustment.

39 For purposes of sections 14 through 18 of this
40 Act:

41 1. Property assessed by the department of revenue
42 pursuant to sections 428.24 through 428.29, or chapters
43 433, 434 and 436 to 438 shall not receive the benefits
44 of sections 14 to 18 of this Act.

45 2. Property acquired on or before December 31,
46 1980 which was owned or used before December 31, 1980
47 by a related person shall not receive the benefits
48 of sections 14 through 18 of this Act.

49 3. Property acquired after December 31, 1980 which
50 was owned and used by a related person shall not

1 receive any additional benefits under sections 14
2 through 18 of this Act.

3 4. Property which was owned or used on or before
4 December 31, 1980 and subsequently acquired by an
5 exchange of like property shall not receive the
6 benefits of sections 14 through 18 of this Act.

7 5. Property which was acquired after December
8 31, 1980 and subsequently exchanged for like property
9 shall not receive any additional benefits under
10 sections 14 through 18 of this Act.

11 6. Property acquired on or before December 31,
12 1980 which is subsequently leased to a taxpayer or
13 related person who previously owned the property shall
14 not receive the benefits of sections 14 through 18
15 of this Act.

16 7. Property acquired after December 31, 1980 which
17 is subsequently leased to a taxpayer or related person
18 who previously owned the property shall not receive
19 any additional benefits under sections 14 through
20 18 of this Act.

21 8. Property acquired in a transaction with the
22 principal purpose of benefiting from sections 14
23 through 18 of this Act is excluded from obtaining
24 the benefits of sections 14 through 18 of this Act.

25 For purposes of this section, "related person"
26 means a person who owns or controls the taxpayer's
27 business and another business entity from which
28 property is acquired or leased or to which property
29 is sold or leased. Business entities are owned or
30 controlled by the same person if the same person
31 directly or indirectly owns or controls fifty percent
32 or more of the assets or any class of stock or directly
33 or indirectly has an interest of fifty percent or
34 more in the ownership or profits.

35 Sec. 15. NEW SECTION. On or before July 1 of
36 each year, the assessor shall determine the taxpayer's
37 value of the property specified in section 14 of this
38 Act and the value at which the property would be
39 assessed in the absence of sections 14 through 18
40 of this Act, and report the values to the county
41 auditor.

42 On or before July 1 of the following year the
43 county auditor shall prepare a statement listing for
44 each taxing jurisdiction in the county:

45 1. The difference between the assessed value of
46 property defined in section 427A.1, subsection 1,
47 paragraphs e and j and assessed pursuant to section
48 14 of this Act as of January 1 of the preceding year,
49 and the value at which the property would be assessed
50 in the absence of sections 14 through 18 of this Act.

Page 5

2. The tax levy rate for each taxing jurisdiction levied against assessments made as of January 1 of the previous year.

3. The machinery and computer tax replacement claim for each taxing district, which is equal to the amount determined pursuant to subsection 1 of this section, multiplied by the tax rate specified in subsection 2 of this section.

The county auditor shall certify and forward one copy of the statement to the state comptroller not later than July 1 of each year.

Sec. 16. NEW SECTION. Each county treasurer shall be reimbursed an amount equal to the machinery and computer tax replacement claim for that county determined pursuant to section 15, subsection 3, of this Act. The reimbursement shall be made in two equal installments on or before September 30 and March 30 of each year, provided that if sufficient funds are not appropriated to pay in full the amounts certified to the state comptroller pursuant to section 14 of this Act, the state comptroller shall prorate the appropriation among the county treasurers and notify the county treasurers of the prorated percentage on or before September 1. The county treasurer shall apportion the disbursement in the manner provided in section 445.57.

Sec. 17. NEW SECTION. There is appropriated annually from the general fund of the state to the state comptroller an amount sufficient to carry out the provisions of sections 14 through 18 of this Act.

Sec. 18. NEW SECTION. Property defined in section 427A.1, subsection 1, paragraphs e and j and assessed under sections 14 through 18 of this Act shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.

Sec. 19. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 132, sections 4 and 5, are repealed.

Sec. 20. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 147, section 14, is amended to read as follows:

SEC. 14. NEW SECTION. There is imposed upon the qualified heir an additional inheritance tax if, within fifteen ten years after the decedent's death and before the death of the qualified heir, the qualified heir disposes of, other than to a member of the family, any interest in qualified real property for which an election under section 13 of this Act was made or ceases to use for the qualified use the qualified real property for which an election under

Page 6

1 section 13 of this Act was made as prescribed in
2 section 2032A(c) of the Internal Revenue Code of 1954.
3 The additional inheritance tax shall be the amount
4 computed under sections 15 and section 16 of this
5 Act and shall be due six months after the date of
6 the disposition or cessation of qualified use referred
7 to in this section. The amount of the additional
8 inheritance tax shall accrue interest at the rate
9 of ten percent per year from nine months after the
10 decedent's death to the due date of the tax. The
11 tax shall be paid to the department of revenue and
12 shall be deposited into the general fund of the state.
13 Taxes not paid within the time prescribed in this
14 section shall draw interest at the rate of ten percent
15 per annum until paid. There shall not be an additional
16 inheritance tax if the disposition or cessation occurs
17 ten years or more after the decedent's death.

18 Sec. 21. Acts of the Sixty-ninth General Assembly,
19 1981 Session, chapter 147, section 15, is repealed.

20 Sec. 22. Acts of the Sixty-ninth General Assembly,
21 1981 Session, chapter 147, section 17, is amended
22 to read as follows:

23 SEC. 17. NEW SECTION. A lien is created in favor
24 of the state for the additional inheritance tax which
25 may be imposed by section 14 of this Act on the
26 qualified real property for which an election has
27 been made under section 13 of this Act. The lien
28 created by this section shall continue until the tax
29 has been paid or ten years after the tax is due,
30 whichever date occurs first. However, the lien shall
31 expire ~~fifteen~~ ten years after the decedent's death
32 if the qualified heir has not disposed of or ceased
33 to use for the qualified use the qualified real
34 property which would impose the tax under section
35 14 of this Act. The department of revenue may release
36 the lien prior to the payment of the tax due, if any,
37 if adequate security for payment of the tax is given.

38 Unless the lien has been perfected by recording
39 in the office of the recorder in the county where
40 the estate is probated, a transfer of the qualified
41 real property to a bona fide purchaser for value shall
42 divest the property of the lien. If the lien is
43 perfected by recording, the rights of the state under
44 the lien have priority over all subsequent mortgagees,
45 purchasers or judgment creditors. The lien may be
46 foreclosed by the director of revenue in the same
47 manner as is now prescribed for the foreclosure of
48 real estate mortgages and upon judgment, execution
49 shall be issued to sell as much of the property
50 necessary to satisfy the tax, interest and costs due.

Page 7

- 1 Sec. 23. Sections 1, 5, 7, 9, and 10 of this Act
2 are retroactive to January 1, 1981 for tax years
3 beginning on or after January 1, 1981.
4 Sec. 24. Sections 2, 3, 4, 6, and 19 of this Act
5 are retroactive to January 1, 1982 for tax years
6 beginning on or after January 1, 1982.
7 Sec. 25. Sections 8 and 11 of this Act are
8 retroactive to January 1, 1976 for losses arising
9 in tax years ending on or after January 1, 1976.
10 Sec. 26. Sections 20, 21, and 22 of this Act are
11 effective July 1, 1982 for estates of individuals
12 dying on or after July 1, 1982.
13 Sec. 27. Sections 13, 14, 15, 16, 17, and 18 of
14 this Act are retroactive to December 31, 1980 for
15 property acquired or leased after December 31, 1980.
16 Sec. 28. This Act, being deemed of immediate
17 importance, takes effect from and after its publication
18 in the Charles City Press, a newspaper published in
19 Charles City, Iowa, and in The Record-Herald and
20 Indianola Tribune, a newspaper published in Indianola,
21 Iowa." "

Cochran of Webster asked and received unanimous consent to withdraw amendment H—5073, to amendment H—5058, filed on February 5, 1982.

Cochran of Webster offered the following amendment H—5081, to amendment H—5058, filed by Cochran and Davitt.

H—5081

- 1 Amend the Davitt amendment, H—5058, to House File
2 2171 as follows:
3 1. By striking page 1, line 1 through page 5,
4 line 6, and inserting in lieu thereof the following:
5 "Amend House File 2171 as follows:
6 1. By striking everything after the enacting
7 clause and inserting in lieu thereof the following:
8 "Section 1. Section 422.4, subsection 17, Code
9 1981, as amended by Acts of the Sixty-ninth General
10 Assembly, 1981 Session, chapter 132, section 2, is
11 amended to read as follows:
12 17. "Internal Revenue Code of 1954" means the
13 Internal Revenue Code of 1954, as amended to and
14 including January 1, 1981 1982.
15 Sec. 2. Section 422.5, Code 1981, is amended by
16 adding the following new unnumbered paragraph:
17 NEW UNNUMBERED PARAGRAPH. In addition to all taxes

18 imposed under this division, there is imposed upon
19 every resident and nonresident, including resident
20 and nonresident estates and trusts, of this state
21 a state minimum tax for tax preference items equal
22 to twenty-five percent of the state's apportioned
23 share of the federal minimum tax. The state's
24 apportioned share of the federal minimum tax is one
25 hundred percent in the case of a resident and in the
26 case of a nonresident a percent equal to the ratio
27 of the federal minimum tax on preferences attribut-
28 able to Iowa to the federal minimum tax on all
29 preferences. The director shall prescribe rules for
30 the determination of the amount of the federal minimum
31 tax on preferences attributable to Iowa which shall
32 be based as much as equitably possible on the
33 allocation provisions of section 422.8, subsections
34 2 and 3. For purposes of this paragraph, "federal
35 minimum tax" means the federal minimum tax for tax
36 preferences computed under sections 55 through 58
37 of the Internal Revenue Code of 1954 for the tax
38 year."

39 Sec. 3. Section 422.7, subsection 8, Code 1981,
40 is amended to read as follows:

41 8. Married taxpayers who file a joint federal
42 income tax return and who elect to file separate
43 returns or separate filing on a combined return for
44 Iowa income tax purposes, may avail themselves of
45 the additional first-year depreciation expensing of
46 business assets and capital loss provisions of sections
47 179(a) and 1211(b) respectively of the Internal Revenue
48 Code of 1954 and shall compute the amount of additional
49 first-year depreciation expensing of business assets
50 and capital loss subject to the limitations for joint

Page 2

1 federal income tax return filers provided by sections
2 179(b) and 1211(b) respectively of the Internal Revenue
3 Code of 1954.

4 Sec. 4. Section 422.7, Code 1981, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. Married taxpayers, who file a
7 joint federal income tax return and who elect to file
8 separate returns or separate filing on a combined
9 return for state income tax purposes, may avail
10 themselves of the dividend exclusion provisions of
11 section 116(a) of the Internal Revenue Code of 1954
12 and shall compute the dividend exclusion subject to
13 the limitations for joint federal income tax return
14 filers provided by section 116(a) of the Internal
15 Revenue Code of 1954.

16 Sec. 5. Section 422.7, Code 1981, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. The deduction for a married couple
19 where both persons are wage earners which is provided
20 by section 221 of the Internal Revenue Code of 1954
21 is not applicable in computing Iowa net income for
22 tax years beginning on or after January 1, 1982.

23 Sec. 6. Section 422.9, subsection 1, Code 1981,
24 is amended to read as follows:

25 1. An optional standard deduction of fifteen
26 percent of the net income after deduction of federal
27 income tax, not to exceed one thousand two hundred
28 dollars for a married person who files separately,
29 one thousand two hundred dollars for a single person
30 or three thousand dollars for a husband and wife who
31 file a joint return, a surviving spouse as defined
32 in section 2 of the Internal Revenue Code of 1954,
33 or an unmarried head of household as defined in the
34 Internal Revenue Code of 1954. The amount of the
35 federal income tax deducted shall not exceed fifteen
36 thousand dollars.

37 Sec. 7. Section 422.9, subsection 2, paragraph
38 b, Code 1981, is amended to read as follows:

39 b. Add the amount of federal income taxes paid
40 or accrued as the case may be, during the tax year,
41 adjusted by any federal income tax refunds. However,
42 the amount added shall not exceed fifteen thousand
43 dollars. Provided, however, that where If married
44 persons, who have filed a joint federal income tax
45 return, file separately, such the total shall be
46 divided between them according to the portion thereof
47 paid or accrued, as the case may be, by each.

48 Sec. 8. Section 422.9, subsection 2, Code 1981,
49 is amended by adding the following new lettered
50 paragraph:

Page 3

1 NEW LETTERED PARAGRAPH. Subtract the adoption
2 deduction permitted under section 222 of the Internal
3 Revenue Code of 1954.

4 Sec. 9. Section 422.9, subsection 3, paragraphs
5 b and c, Code 1981, are amended to read as follows:

6 b. The Iowa net operating loss remaining after
7 being carried back as required in paragraph "a" of
8 this subsection or if not required to be carried back
9 shall be carried forward seven fifteen taxable years.

10 c. If the election under section 172(b)(3)(C)
11 of the Internal Revenue Code of 1954 is made, the
12 Iowa net operating loss shall be carried forward seven
13 fifteen taxable years.

14 Sec. 10. Section 422.32, subsection 4, Code 1981,
15 as amended by Acts of the Sixty-ninth General Assembly,
16 1981 Session, chapter 132, section 7, is amended to
17 read as follows:

18 4. "Internal Revenue Code of 1954" means the
19 Internal Revenue Code of 1954, as amended to and
20 including January 1, 1981 1982.

21 Sec. 11. Section 422.33, Code 1981, is amended
22 by adding the following new subsection:

23 **NEW SUBSECTION.** In addition to all taxes imposed
24 under this division, there is imposed upon each
25 corporation doing business within the state a state
26 minimum tax for tax preference items equal to twenty-
27 five percent of the state's apportioned share of the
28 federal minimum tax. The state's apportioned share
29 of the federal minimum tax is a percent equal to the
30 ratio of the federal minimum tax on preferences
31 attributable to Iowa to the federal minimum tax on
32 all preferences. The director shall prescribe rules
33 for the determination of the amount of the federal
34 minimum tax on preferences attributable to Iowa which
35 shall be based as much as equitably possible on the
36 allocation and apportionment provisions of subsections
37 1 and 2. For purposes of this subsection, "federal
38 minimum tax" means the federal minimum tax for tax
39 preferences computed under sections 55 through 58
40 of the Internal Revenue Code of 1954 for the tax year.

41 Sec. 12. Section 422.35, subsection 4, Code 1981,
42 is amended to read as follows:

43 4. Subtract fifty percent of the first one hundred
44 thousand dollars and twenty percent of the amount
45 exceeding one hundred thousand dollars of the federal
46 income taxes paid or accrued, as the case may be,
47 during the tax year, adjusted by any federal income
48 tax refunds; and add the Iowa income tax deducted
49 in computing said the taxable income.

50 Sec. 13. Section 422.35, subsection 7, paragraphs

Page 4

1 b and c, Code 1981, are amended to read as follows:

2 b. The Iowa net operating loss remaining after
3 being carried back as required in paragraph "a" of
4 this subsection or if not required to be carried back
5 shall be carried forward seven fifteen taxable years.

6 c. If the election under section 172(b)(3)(C)
7 of the Internal Revenue Code of 1954 is made, the
8 Iowa net operating loss shall be carried forward seven
9 fifteen taxable years.

10 Sec. 14. Section 422.60, Code 1981, is amended
11 by adding the following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. In addition to all taxes
13 imposed under this division, there is imposed upon
14 each financial institution doing business within the
15 state a state minimum tax for tax preference items
16 equal to twenty-five percent of the state's apportioned
17 share of the federal minimum tax. The state's
18 apportioned share of the federal minimum tax is a
19 percent equal to the ratio of the federal minimum
20 tax on preferences attributable to Iowa to the federal
21 minimum tax on all preferences. The director shall
22 prescribe rules for the determination of the amount
23 of the federal minimum tax on preferences attributable
24 to Iowa which shall be based as much as equitably
25 possible on the allocation and apportionment provisions
26 of section 422.63. For purposes of this subsection,
27 "federal minimum tax" means the federal minimum tax
28 for tax preferences computed under sections 55 through
29 58 of the Internal Revenue Code of 1954 for the tax
30 year.

31 Sec. 15. Section 427A.9, Code 1981, is amended
32 by inserting after unnumbered paragraph 2 the following
33 new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
35 provisions of this section which require an increase
36 in general fund revenues in excess of five and one-
37 half percent, adjusted for changes in rate or basis,
38 to increase the personal property tax credit, the
39 amount of the personal property tax credit, to be
40 allowed for taxes payable in the fiscal year beginning
41 July 1, 1982 and ending June 30, 1983 shall be
42 increased as provided in this section.

43 Sec. 16. Chapter 427B, Code 1981, is amended by
44 adding sections 16 to 21 of this Act.

45 Sec. 17. NEW SECTION. For property defined in
46 section 427A.1, subsection 1, paragraphs e and j
47 acquired or initially leased after December 31, 1980,
48 the taxpayer's valuation shall be limited to thirty
49 percent of the net acquisition cost of the property.
50 For purposes of this section, "net acquisition cost"

Page 5

1 means the acquired cost of the property including
2 all foundations and installation cost less any excess
3 cost adjustment.

4 For purposes of sections 16 to 21 of this Act:

5 1. Property assessed by the department of revenue
6 pursuant to sections 428.24 through 428.29, or chapters
7 433, 434 and 436 to 438 shall not receive the benefits
8 of sections 16 to 21 of this Act.

9 2. Property acquired on or before December 31,

10 1980 which was owned or used before December 31, 1980
11 by a related person shall not receive the benefits
12 of sections 16 to 21 of this Act.

13 3. Property acquired after December 31, 1980 which
14 was owned and used by a related person shall not
15 receive any additional benefits under sections 16
16 to 21 of this Act.

17 4. Property which was owned or used on or before
18 December 31, 1980 and subsequently acquired by an
19 exchange of like property shall not receive the
20 benefits of sections 16 to 21 of this Act.

21 5. Property which was acquired after December
22 31, 1980 and subsequently exchanged for like property
23 shall not receive any additional benefits under
24 sections 16 to 21 of this Act.

25 6. Property acquired on or before December 31,
26 1980 which is subsequently leased to a taxpayer or
27 related person who previously owned the property shall
28 not receive the benefits of sections 16 to 21 of this
29 Act.

30 7. Property acquired after December 31, 1980 which
31 is subsequently leased to a taxpayer or related person
32 who previously owned the property shall not receive
33 any additional benefits under sections 16 to 21 of
34 this Act.

35 8. Property acquired in a transaction with the
36 principal purpose of benefiting from sections 16 to
37 21 of this Act is excluded from obtaining the benefits
38 of sections 16 to 21 of this Act.

39 For purposes of this section, "related person"
40 means a person who owns or controls the taxpayer's
41 business and another business entity from which
42 property is acquired or leased or to which property
43 is sold or leased. Business entities are owned or
44 controlled by the same person if the same person
45 directly or indirectly owns or controls fifty percent
46 or more of the assets or any class of stock or directly
47 or indirectly has an interest of fifty percent or
48 more in the ownership or profits.

49 Sec. 18. NEW SECTION. On or before July 1 of
50 each year, the assessor shall determine the taxpayer's

Page 6

1 value of the property specified in section 17 of this
2 Act and the value at which the property would be
3 assessed in the absence of sections 16 to 21 of this
4 Act, and report the values to the county auditor.

5 On or before July 1 of the following year the
6 county auditor shall prepare a statement listing for
7 each taxing jurisdiction in the county:

1. The difference between the assessed value of property defined in section 427A.1, subsection 1, paragraphs e and j and assessed pursuant to section 17 of this Act as of January 1 of the preceding year, and the value at which the property would be assessed in the absence of sections 16 to 21 of this Act.

2. The tax levy rate for each taxing jurisdiction levied against assessments made as of January 1 of the previous year.

3. The machinery and computer tax replacement claim for each taxing district, which is equal to the amount determined pursuant to subsection 1 of this section, multiplied by the tax rate specified in subsection 2 of this section.

The county auditor shall certify and forward one copy of the statement to the state comptroller not later than July 1 of each year.

Sec. 19. NEW SECTION. Each county treasurer shall be reimbursed an amount equal to the machinery and computer tax replacement claim for that county determined pursuant to section 18, subsection 3, of this Act. The reimbursement shall be made in two equal installments on or before September 30 and March 30 of each year, provided that if sufficient funds are not appropriated to pay in full the amounts certified to the state comptroller pursuant to section 18 of this Act, the state comptroller shall prorate the appropriation among the county treasurers and notify the county treasurers of the prorate percentage on or before September 1. The county treasurer shall apportion the disbursement in the manner provided in section 445.57.

Sec. 20. NEW SECTION. There is appropriated annually from the general fund of the state to the state comptroller an amount sufficient to carry out the provisions of sections 16 to 21 of this Act.

Sec. 21. NEW SECTION. Property defined in section 427A.1, subsection 1, paragraphs e and j and assessed under sections 14 through 18 of this Act shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.

Sec. 22. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 132, sections 4 and 5, are

Page 7

1 repealed.

Sec. 23. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 147, section 14, is amended to read as follows:

SEC. 14. NEW SECTION. There is imposed upon the

6 qualified heir an additional inheritance tax if,
7 within fifteen ten years after the decedent's death
8 and before the death of the qualified heir, the
9 qualified heir disposes of, other than to a member
10 of the family, any interest in qualified real property
11 for which an election under section 13 of this Act
12 was made or ceases to use for the qualified use the
13 qualified real property for which an election under
14 section 13 of this Act was made as prescribed in
15 section 2032A(c) of the Internal Revenue Code of 1954.
16 The additional inheritance tax shall be the amount
17 computed under sections 15 and section 16 of this
18 Act and shall be due six months after the date of
19 the disposition or cessation of qualified use referred
20 to in this section. The amount of the additional
21 inheritance tax shall accrue interest at the rate
22 of ten percent per year from nine months after the
23 decedent's death to the due date of the tax. The
24 tax shall be paid to the department of revenue and
25 shall be deposited into the general fund of the state.
26 Taxes not paid within the time prescribed in this
27 section shall draw interest at the rate of ten percent
28 per annum until paid. There shall not be an additional
29 inheritance tax if the disposition or cessation occurs
30 ten years or more after the decedent's death.

31 Sec. 24. Acts of the Sixty-ninth General Assembly,
32 1981 Session, chapter 147, section 15, is repealed.

33 Sec. 25. Acts of the Sixty-ninth General Assembly,
34 1981 Session, chapter 147, section 17, is amended
35 to read as follows:

36 SEC. 17. NEW SECTION. A lien is created in favor
37 of the state for the additional inheritance tax which
38 may be imposed by section 14 of this Act on the
39 qualified real property for which an election has
40 been made under section 13 of this Act. The lien
41 created by this section shall continue until the tax
42 has been paid or ten years after the tax is due,
43 whichever date occurs first. However, the lien shall
44 expire fifteen ten years after the decedent's death
45 if the qualified heir has not disposed of or ceased
46 to use for the qualified use the qualified real
47 property which would impose the tax under section
48 14 of this Act. The department of revenue may release
49 the lien prior to the payment of the tax due, if any,
50 if adequate security for payment of the tax is given.

1 Unless the lien has been perfected by recording
2 in the office of the recorder in the county where
3 the estate is probated, a transfer of the qualified

4 real property to a bona fide purchaser for value shall
5 divest the property of the lien. If the lien is
6 perfected by recording, the rights of the state under
7 the lien have priority over all subsequent mortgagees,
8 purchasers or judgment creditors. The lien may be
9 foreclosed by the director of revenue in the same
10 manner as is now prescribed for the foreclosure of
11 real estate mortgages and upon judgment, execution
12 shall be issued to sell as much of the property
13 necessary to satisfy the tax, interest and costs due.

14 Sec. 26. Sections 1, 6, 8, 10, and 12 of this
15 Act are retroactive to January 1, 1981 for tax years
16 beginning on or after January 1, 1981.

17 Sec. 27. Sections 2, 3, 4, 5, 7, 11, 14, and 22
18 of this Act are retroactive to January 1, 1982 for
19 tax years beginning on or after January 1, 1982.

20 Sec. 28. Sections 9 and 13 of this Act are
21 retroactive to January 1, 1976 for losses arising
22 in tax years ending on or after January 1, 1976.

23 Sec. 29. Sections 23, 24, and 25 of this Act are
24 effective July 1, 1982 for estates of individuals
25 dying on or after July 1, 1982.

26 Sec. 30. Sections 16, 17, 18, 19, 20, and 21 of
27 this Act are retroactive to December 31, 1980 for
28 property acquired or leased after December 31, 1980.

29 Sec. 31. This Act, being deemed of immediate
30 importance, takes effect from and after its publication
31 in the Charles City Press, a newspaper published in
32 Charles City, Iowa, and in The Record-Herald and
33 Indianola Tribune, a newspaper published in Indianola,
34 Iowa." "

Avenson of Fayette asked unanimous consent to amend amendment H—5081 with amendment H—5051 filed by Chiodo of Polk and moved its adoption.

Objection was raised.

Anderson of Jasper moved the rules be suspended to adopt amendment H—5090, to amendment H—5081 (to amendment H—5058) filed by him from the floor as follows:

H—5090

1 Amend amendment H—5081 to amendment H—5058,
2 as follows:

3 1. Page 2, by inserting after line 22, the
4 following:

5 "Sec. . . Section 422.7, Code 1981, is
6 amended by adding the following new subsection:

- 7 NEW SUBSECTION. The maximum allowable
 8 deduction under section 162 (h) of the Internal
 9 Revenue Code of 1954, other than for travel
 10 expenses, shall not exceed the per day expense
 11 of office as allowed under section 2.10,
 12 subsection 1."

Roll call was requested by Anderson of Jasper and Avenson of Fayette.

On the question "Shall the rules be suspended to adopt amendment H—5090?"

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Patrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 4:

Hansen, I.	Harbor	Schroeder	Welden
------------	--------	-----------	--------

Absent or not voting, 2:

Clark, B. J.	Miller
--------------	--------

The motion prevailed and the rules were suspended and amendment H—5090, to amendment H—5081 (to amendment H—5058) was adopted.

Cochran of Webster moved the adoption of amendment H—5081, as amended, (to amendment H—5058).

Roll call was requested by Cochran of Webster and Avenson of Fayette.

On the question "Shall amendment H—5081 be adopted?"

The ayes were, 44:

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

The nays were, 54:

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

Absent or not voting, 2:

Clark, B. J. Miller

Amendment H—5081, as amended, (to amendment H—5058) lost.

Shull of Warren offered amendment H—5082, to amendment H—5058, filed by Shull and Schnekloth as follows:

H-5082

1 Amend the Davitt amendment, H-5058, to House File
2 2171 as follows:

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

5 "Amend House File 2171 as follows:

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

8 "Section 1. Section 422.4, subsection 17, Code
9 1981, as amended by Acts of the Sixty-ninth General
10 Assembly, 1981 Session, chapter 132, section 2, is
11 amended to read as follows:

12 17. "Internal Revenue Code of 1954" means the
13 Internal Revenue Code of 1954, as amended to and
14 including January 1, 1981 1982.

15 Sec. 2. Section 422.5, Code 1981, is amended by
16 adding the following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. In addition to all taxes
18 imposed under this division, there is imposed upon
19 every resident and nonresident of this state a state
20 minimum tax for tax preference equal to twenty-five
21 percent of the state's apportioned share of the federal
22 minimum tax. The state's apportioned share of the
23 federal minimum tax is one hundred percent in the
24 case of a resident and in the case of a nonresident
25 a percent equal to the ratio of the federal minimum
26 tax on preferences attributable to Iowa to the federal
27 minimum tax on all preferences. The director shall
28 prescribe rules for the determination of the amount
29 of the federal minimum tax on preferences attributable
30 to Iowa which shall be based as much as equitably
31 possible on the allocation provisions of section
32 422.8, subsections 2 and 3. For purposes of this
33 paragraph, "federal minimum tax" means the federal
34 minimum tax for tax preferences computed under sections
35 55 through 58 of the Internal Revenue Code of 1954
36 for the tax year.

37 Sec. 3. Section 422.7, subsection 8, Code 1981,
38 is amended to read as follows:

39 8. Married taxpayers who file a joint federal
40 income tax return and who elect to file separate
41 returns or separate filing on a combined return for
42 Iowa income tax purposes, may avail themselves of
43 the additional first-year depreciation-expensing of
44 business assets and capital loss provisions of sections
45 179(a) and 1211(b) respectively of the Internal Revenue
46 Code of 1954 and shall compute the amount of additional
47 first-year depreciation-expensing of business assets
48 and capital loss subject to the limitations for joint
49 federal income tax return filers provided by sections
50 179(b) and 1211(b) respectively of the Internal Revenue

Page 2

1 Code of 1954.

2 Sec. 4. Section 422.7, Code 1981, is amended by
3 adding the following new subsection:

4 **NEW SUBSECTION.** Married taxpayers, who file a
5 joint federal income tax return and who elect to file
6 separate returns or separate filing on a combined
7 return for state income tax purposes, may avail
8 themselves of the dividend exclusion provisions of
9 section 116(a) of the Internal Revenue Code of 1954
10 and shall compute the dividend exclusion subject to
11 the limitations for joint federal income tax return
12 filers provided by section 116(a) of the Internal
13 Revenue Code of 1954.

14 Sec. 5. Section 422.7, Code 1981, is amended by
15 adding the following new subsection:

16 **NEW SUBSECTION.** The exclusion of interest income
17 provided by section 128 of the Internal Revenue Code
18 of 1954 is not applicable in computing Iowa net income
19 for tax years beginning on or after January 1, 1981
20 and before January 1, 1984.

21 Sec. 6. Section 422.7, Code 1981, is amended by
22 adding the following new subsection:

23 **NEW SUBSECTION.** The deduction for a married couple
24 where both persons are wage earners which is provided
25 by section 221 of the Internal Revenue Code of 1954
26 is not applicable in computing Iowa net income for
27 tax years beginning on or after January 1, 1982.

28 Sec. 7. Section 422.7, Code 1981, is amended by
29 adding the following new subsection:

30 **NEW SUBSECTION.** The deduction for contributions
31 to an individual retirement account provided by section
32 219 of the Internal Revenue Code of 1954 is not
33 applicable in computing Iowa net income for tax years
34 beginning on or after January 1, 1982. The deduction
35 for contributions to an individual retirement account
36 provided by section 219 or 220 of the Internal Revenue
37 Code of 1954, as amended up to and including January
38 1, 1981, is allowable in computing Iowa net income
39 for tax years beginning on or after January 1, 1982.
40 Distributions or payments from an individual retirement
41 account shall be included in net income by the payee
42 or distributee in the tax year received. However,
43 that portion of the distribution or payment which
44 has previously been included in Iowa net income under
45 this subsection shall not be included in the payee
46 or distributee's Iowa net income in the tax year
47 received.

48 Sec. 8. Section 422.7, Code 1981, is amended by
49 adding the following new subsection:

50 **NEW SUBSECTION.** The deduction for contributions

Page 3

1 to a self-employed retirement plan provided by section
2 404 of the Internal Revenue Code of 1954 is not
3 applicable in computing Iowa net income for tax years
4 beginning on or after January 1, 1982. The deduction
5 for contributions to a self-employed retirement plan
6 provided by section 404 of the Internal Revenue Code
7 of 1954, as amended up to and including January 1,
8 1981, is allowable in computing Iowa net income for
9 tax years beginning on or after January 1, 1982.
10 Distributions or payments from a self-employed
11 retirement plan shall be included in net income by
12 the payee or distributee in the tax year received.
13 However, that portion of the distribution or payment
14 which has previously been included in Iowa net income
15 under this subsection shall not be included in the
16 payee or distributee's Iowa net income in the tax
17 year received.

18 Sec. 9. Section 422.7, Code 1981, is amended by
19 adding the following new subsection:

20 **NEW SUBSECTION.** The deduction allowed under section
21 162 (h) of the Internal Revenue Code of 1954 is not
22 applicable in computing Iowa net income for any tax
23 year beginning on or before December 31, 1980. The
24 deduction allowed under section 604 of the tax reform
25 Act of 1976, as amended up to and including December
26 31, 1980, is allowable in computing Iowa net income,
27 for tax years beginning on or before December 31,
28 1980, under provisions effective for the year for
29 which the return is made. The deduction allowed under
30 section 162(h) of the Internal Revenue Code of 1954
31 is not applicable in computing Iowa net income for
32 any tax year beginning on or after January 1, 1981.
33 The deduction allowed under section 604 of the tax
34 reform Act of 1976, as amended up to and including
35 December 31, 1980, is allowable in computing Iowa
36 net income for tax years beginning on or after January
37 1, 1981. The maximum allowable deduction, other than
38 for travel expense, shall not exceed the per day
39 expense of office as allowed under section 2.10,
40 subsection 1, where the taxpayer elects on the Iowa
41 return to be governed by section 604 of the tax reform
42 Act of 1976, as amended up to and including December
43 31, 1980 and shall not exceed fifty dollars per day
44 where the taxpayer itemizes expenses.

45 Sec. 10. Section 422.9, subsection 2, Code 1981,
46 is amended by adding the following new lettered
47 paragraph:

48 **NEW LETTERED PARAGRAPH.** Subtract the adoption
49 deduction permitted under section 222 of the Internal
50 Revenue Code of 1954.

Page 4

1 Sec. 11. Section 422.9, subsection 3, paragraphs
2 b and c, Code 1981, are amended to read as follows:

3 b. The Iowa net operating loss remaining after
4 being carried back as required in paragraph "a" of
5 this subsection or if not required to be carried back
6 shall be carried forward seven fifteen taxable years.

7 c. If the election under section 172(b)(3)(C)
8 of the Internal Revenue Code of 1954 is made, the
9 Iowa net operating loss shall be carried forward seven
10 fifteen taxable years.

11 Sec. 12. Section 422.32, subsection 4, Code 1981,
12 as amended by Acts of the Sixty-ninth General Assembly,
13 1981 Session, chapter 132, section 7, is amended to
14 read as follows:

15 4. "Internal Revenue Code of 1954" means the
16 Internal Revenue Code of 1954, as amended to and
17 including January 1, 1981 1982.

18 Sec. 13. Section 422.33, Code 1981, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. In addition to all taxes imposed
21 under this division, there is imposed upon each
22 corporation doing business within the state a state
23 minimum tax for tax preference equal to twenty-five
24 percent of the state's apportioned share of the federal
25 minimum tax. The state's apportioned share of the
26 federal minimum tax is a percent equal to the ratio
27 of the federal minimum tax on preferences attributable
28 to Iowa to the federal minimum tax on all preferences.
29 The director shall prescribe rules for the
30 determination of the amount of the federal minimum
31 tax on preferences attributable to Iowa which shall
32 be based as much as equitably possible on the alloca-
33 tion and apportionment provisions of subsections 1
34 and 2. For purposes of this subsection, "federal
35 minimum tax" means the federal minimum tax for tax
36 preferences computed under sections 55 through 58
37 of the Internal Revenue Code of 1954 for the tax year.

38 Sec. 14. Section 422.35, subsection 4, Code 1981,
39 is amended by striking the subsection and inserting
40 in lieu thereof the following:

41 4. If the taxpayer's federal taxable income is
42 fifty thousand dollars or less, the taxpayer shall
43 subtract fifty percent of the federal income taxes
44 paid or accrued, as the case may be, during the tax
45 year, adjusted by any federal income tax refunds;
46 and add the Iowa income tax deducted in computing
47 the taxable income. If the taxpayer's federal taxable
48 income is more than fifty thousand dollars, the
49 taxpayer shall subtract twenty-five percent of the
50 federal income taxes paid or accrued, as the case

Page 5

1 may be, during the tax year, adjusted by any federal
2 income tax refunds; and add the Iowa income tax
3 deducted in computing the taxable income.

4 Sec. 15. Section 422.35, subsection 7, paragraphs
5 b and c, Code 1981, are amended to read as follows:

6 b. The Iowa net operating loss remaining after
7 being carried back as required in paragraph "a" of
8 this subsection or if not required to be carried back
9 shall be carried forward seven fifteen taxable years.

10 c. If the election under section 172(b)(3)(C)
11 of the Internal Revenue Code of 1954 is made, the
12 Iowa net operating loss shall be carried forward seven
13 fifteen taxable years.

14 Sec. 16. Section 427A.9, Code 1981, is amended
15 by inserting after unnumbered paragraph 2 the following
16 new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
18 provisions of this section which require an increase
19 in general fund revenues in excess of five and one-
20 half percent, adjusted for changes in rate or basis,
21 to increase the personal property tax credit, the
22 amount of the personal property tax credit, to be
23 allowed for taxes payable in the fiscal year beginning
24 July 1, 1982 and ending June 30, 1983 shall be
25 increased as provided in this section.

26 Sec. 17. Chapter 427B, Code 1981, is amended by
27 adding sections 18 through 22 of this Act.

28 Sec. 18. NEW SECTION. For property defined in
29 section 427A.1, subsection 1, paragraphs e and j
30 acquired or initially leased after December 31, 1981,
31 the taxpayer's valuation shall be limited to thirty
32 percent of the net acquisition cost of the property.
33 For purposes of this section, "net acquisition cost"
34 means the acquired cost of the property including
35 all foundations and installation cost less any excess
36 cost adjustment.

37 For purposes of sections 18 to 22 of this Act:

38 1. Property assessed by the department of revenue
39 pursuant to sections 428.24 to 428.29, or chapters,
40 433, 434 and 436 to 438 shall not receive the benefits
41 of sections 18 to 22 of this Act.

42 2. Property acquired on or before December 31,
43 1981 which was owned or used on or before December
44 31, 1981 by a related person shall not receive the
45 benefits of sections 18 to 22 of this Act.

46 3. Property acquired after December 31, 1981 which
47 was owned and used by a related person shall not
48 receive any additional benefits under sections 18
49 to 22 of this Act.

50 4. Property which was owned or used on or before

Page 6

1 December 31, 1981 and subsequently acquired by an
2 exchange of like property shall not receive the
3 benefits of sections 18 to 22 of this Act.

4 5. Property which was acquired after December
5 31, 1981 and subsequently exchanged for like property
6 shall not receive any additional benefits under
7 sections 18 to 22 of this Act.

8 6. Property acquired on or before December 31,
9 1981 which is subsequently leased to a taxpayer or
10 related person who previously owned the property shall
11 not receive the benefits of sections 18 to 22 of this
12 Act.

13 7. Property acquired after December 31, 1981 which
14 is subsequently leased to a taxpayer or related person
15 who previously owned the property shall not receive
16 any additional benefits under sections 18 to 22 of
17 this Act.

18 For purposes of this section, "related person"
19 means a person who owns or controls the taxpayer's
20 business and another business entity from which
21 property is acquired or leased or to which property
22 is sold or leased. Business entities are owned or
23 controlled by the same person if the same person
24 directly or indirectly owns or controls fifty percent
25 or more of the assets or any class of stock or who
26 directly or indirectly has an interest of fifty percent
27 or more in the ownership or profits.

28 Sec. 19. NEW SECTION. On or before July 1 of
29 each year, the assessor shall determine the taxpayer's
30 value of the property specified in section 18 of this
31 Act and the value at which the property would be
32 assessed in the absence of sections 18 to 22 of this
33 Act, and report the values to the county auditor.

34 On or before July 1 of the following year the
35 county auditor shall prepare a statement listing for
36 each taxing jurisdiction in the county:

37 1. The difference between the assessed value of
38 property defined in section 427A.1, subsection 1,
39 paragraphs e and j and assessed pursuant to section
40 18 of this Act as of January 1 of the preceding year,
41 and the value at which the property would be assessed
42 in the absence of sections 18 to 22 of this Act.

43 2. The tax levy rate for each taxing jurisdiction
44 levied against assessments made as of January 1 of
45 the previous year.

46 3. The machinery and computer tax replacement
47 claim for each taxing district, which is equal to
48 the amount determined pursuant to subsection 1 of
49 this section, multiplied by the tax rate specified
50 in subsection 2 of this section.

Page 7

1 The county auditor shall certify and forward one
2 copy of the statement to the state comptroller not
3 later than July 1 of each year.

4 Sec. 20. NEW SECTION. Each county treasurer shall
5 be reimbursed an amount equal to the machinery and
6 computer tax replacement claim for that county
7 determined pursuant to section 19, subsection 3, of
8 this Act. The reimbursement shall be made in two
9 equal installments on or before September 30 and March
10 30 of each year, provided that if sufficient funds
11 are not appropriated to pay in full the amounts
12 certified to the state comptroller pursuant to section
13 19 of this Act, the state comptroller shall prorate
14 the appropriation among the county treasurers and
15 notify the county treasurers of the prorate percentage
16 on or before September 1. The county treasurer shall
17 apportion the disbursement in the manner provided
18 in section 445.57.

19 Sec. 21. NEW SECTION. There is appropriated
20 annually from the general fund of the state to the
21 state comptroller an amount sufficient to carry out
22 the provisions of sections 18 to 22 of this Act.

23 Sec. 22. NEW SECTION. Property defined in section
24 427A.1, subsection 1, paragraphs e and j and assessed
25 under sections 18 to 22 of this Act shall not be
26 eligible to receive a partial exemption under sections
27 427B.1 to 427B.6.

28 Sec. 23. Acts of the Sixty-ninth General Assembly,
29 1981 Session, chapter 132, sections 4 and 5, are
30 repealed.

31 Sec. 24. Acts of the Sixty-ninth General Assembly,
32 1981 Session, chapter 147, section 14, is amended
33 to read as follows:

34 SEC. 14. NEW SECTION. There is imposed upon the
35 qualified heir an additional inheritance tax if,
36 within fifteen ten years after the decedent's death
37 and before the death of the qualified heir, the
38 qualified heir disposes of, other than to a member
39 of the family, any interest in qualified real property
40 for which an election under section 13 of this Act
41 was made or ceases to use for the qualified use the
42 qualified real property for which an election under
43 section 13 of this Act was made as prescribed in
44 section 2032A(c) of the Internal Revenue Code of 1954.
45 The additional inheritance tax shall be the amount
46 computed under sections 15 and section 16 of this
47 Act and shall be due six months after the date of
48 the disposition or cessation of qualified use referred
49 to in this section. The amount of the additional
50 inheritance tax shall accrue interest at the rate

Page 8

1 of ten percent per year from nine months after the
2 decedent's death to the due date of the tax. The
3 tax shall be paid to the department of revenue and
4 shall be deposited into the general fund of the state.
5 Taxes not paid within the time prescribed in this
6 section shall draw interest at the rate of ten percent
7 per annum until paid. There shall not be an additional
8 inheritance tax if the disposition or cessation occurs
9 ten years or more after the decedent's death.

10 Sec. 25. Acts of the Sixty-ninth General Assembly,
11 1981 Session, chapter 147, section 15, is repealed.

12 Sec. 26. Acts of the Sixty-ninth General Assembly,
13 1981 Session, chapter 147, section 17, is amended
14 to read as follows:

15 SEC. 17. NEW SECTION. A lien is created in favor
16 of the state for the additional inheritance tax which
17 may be imposed by section 14 of this Act on the
18 qualified real property for which an election has
19 been made under section 13 of this Act. The lien
20 created by this section shall continue until the tax
21 has been paid or ten years after the tax is due,
22 whichever date occurs first. However, the lien shall
23 expire ~~fifteen~~ ten years after the decedent's death
24 if the qualified heir has not disposed of or ceased
25 to use for the qualified use the qualified real
26 property which would impose the tax under section
27 14 of this Act. The department of revenue may release
28 the lien prior to the payment of the tax due, if any,
29 if adequate security for payment of the tax is given.

30 Unless the lien has been perfected by recording
31 in the office of the recorder in the county where
32 the estate is probated, a transfer of the qualified
33 real property to a bona fide purchaser for value shall
34 divest the property of the lien. If the lien is
35 perfected by recording, the rights of the state under
36 the lien have priority over all subsequent mortgagees,
37 purchasers or judgment creditors. The lien may be
38 foreclosed by the director of revenue in the same
39 manner as is now prescribed for the foreclosure of
40 real estate mortgages and upon judgment, execution
41 shall be issued to sell as much of the property
42 necessary to satisfy the tax, interest and costs due.

43 Sec. 27. The prohibition in section 422.16,
44 subsection 11, paragraph e, on the waiver relating
45 to reasonable cause of the addition to tax for under-
46 payment of the estimated tax payable shall not apply
47 with regard to the 1981 tax year to farmers and
48 fishermen who have elected not to pay estimated taxes
49 during the 1981 tax year and the director may waive
50 the addition to tax for underpayment of the estimated

Page 9

1 tax payable for the 1981 tax year for reasonable
2 cause.
3 Sec. 28. Sections 1, 4, 9, 10, 12, and 14 of this
4 Act are retroactive to January 1, 1981 for tax years
5 beginning on or after January 1, 1981.
6 Sec. 29. Sections 2, 3, 5, 6, 7, 8, 13, and 23
7 of this Act are retroactive to January 1, 1982 for
8 tax years beginning on or after January 1, 1982.
9 Sec. 30. Sections 11 and 15 of this Act are
10 retroactive to January 1, 1976 for losses arising
11 in tax years ending on or after January 1, 1976.
12 Sec. 31. Sections 17, 18, 19, 20, 21, and 22 of
13 this Act are retroactive to December 31, 1981 for
14 property acquired or leased after December 31, 1981.
15 Sec. 32. Sections 24, 25, and 26 of this Act are
16 effective July 1, 1982 for estates of individuals
17 dying on or after July 1, 1982.
18 Sec. 33. This Act, being deemed of immediate
19 importance, takes effect from and after its publication
20 in the Charles City Press, a newspaper published in
21 Charles City, Iowa, and in The Record-Herald and
22 Indianola Tribune, a newspaper published in Indianola,
23 Iowa." "

Doderer of Johnson asked for unanimous consent to add
"estates, trusts, and financial institutions relating to minimum tax"
to amendment H—5082.

Objection was raised.

Chiodo of Polk moved to suspend the rules to adopt amendment
H—5089, to amendment H—5082 (to amendment H—5058) filed by
him from the floor as follows:

H—5089

1 Amend amendment H—5082 to House File 2171 as
2 follows:
3 1. Page 3, by striking lines 40 through 44 and
4 inserting in lieu thereof the word and number
5 "subsection 1."

Roll call was requested by Anderson of Jasper and Welsh of
Dubuque.

Rule 80 was invoked.

On the question "Shall the rules be suspended to adopt amendment H—5089, to amendment H—5082 (to amendment H—5058)?"

The ayes were, 44:

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

The nays were, 54:

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

Absent or not voting, 2:

Clark, B. J. Miller

The motion lost.

Doderer of Johnson moved to suspend the rules to adopt amendment H—5092, to amendment H—5082 (to amendment H—5058) filed by her from the floor as follows:

H—5092

- 1 Amend amendment H—5082 to amendment H—5058 to
- 2 House File 2171 as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "nonresident" the following: "including resident and
- 5 nonresident estates and trusts,".

6 2. Page 1, line 20, by inserting after the word
 7 "preference" the word "items".
 8 3. Page 4, line 23, by inserting after the word
 9 "preference" the word "items".
 10 4. Page 5, by inserting after line 13, the
 11 following:
 12 "Sec. . Section 422.60, Code 1981, is amended
 13 by adding the following new unnumbered paragraph:
 14 **NEW UNNUMBERED PARAGRAPH.** In addition to all taxes
 15 imposed under this division, there is imposed upon
 16 each financial institution doing business within the
 17 state a state minimum tax for tax preference items
 18 equal to twenty-five percent of the state's apportioned
 19 share of the federal minimum tax. The state's
 20 apportioned share of the federal minimum tax is a
 21 percent equal to the ratio of the federal minimum
 22 tax on preferences attributable to Iowa to the federal
 23 minimum tax on all preferences. The director shall
 24 prescribe rules for the determination of the amount
 25 of the federal minimum tax on preferences attributable
 26 to Iowa which shall be based as much as equitably
 27 possible on the allocation and apportionment provisions
 28 of section 422.63. For purposes of this subsection,
 29 "federal minimum tax" means the federal minimum tax
 30 for tax preferences computed under sections 55 through 58
 31 of the Internal Revenue Code of 1954 for the tax year."

Roll call was requested by Welsh of Dubuque and Doderer of Johnson.

On the question "Shall the rules be suspended to adopt amendment H—5092, to amendment H—5082 (to amendment H—5058)?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Cochran	Connolly	Connors	Davitt
Dieleman	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Knapp
Lloyd-Jones	Loneragan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh

The nays were, 58:

Anderson, J.	Bennett	Branstad	Byerly
Carpenter	Chiodo	Clark, J. H.	Clements

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

Absent or not voting, 2:

Clark, B. J. Miller

The motion lost.

Carl of Poweshiek asked for unanimous consent to adopt amendment H—5091, to amendment H—5082 (to amendment H—5058).

Objection was raised.

Carl of Poweshiek moved to suspend the rules to adopt amendment H—5091, to amendment H—5082 (to amendment H—5058) filed by her from the floor as follows:

H—5091

- 1 Amend amendment H—5082 to amendment H—5058 to
- 2 House File 2171, as follows:
- 3 1. Page 3, by inserting after line 17 the
- 4 following new section:
- 5 "Sec. 9. Section 422.7, Code 1981, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. The deductions allowed for living
- 8 expenses to a member of congress in computing Iowa
- 9 net income shall be limited to that amount of expenses
- 10 allowed to a member of congress by any federal law
- 11 or rule in effect on December 31, 1980."
- 12 2. Page 9, line 3, by inserting after the figure
- 13 "4," the figure "9,".
- 14 3. By renumbering as necessary.

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

On the question "Shall the rules be suspended to adopt amendment H—5091, to amendment H—5082 (to amendment H—5058)?"

The ayes were, 45:

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

The nays were, 53:

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

Absent or not voting, 2:

Clark, B. J.	Miller
--------------	--------

The motion lost.

HOUSE RULE 2 SUSPENDED

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

A non-record roll call was requested.

The ayes were 56, nays 41.

The motion prevailed and House Rule 2 was suspended.

Norland of Worth asked for unanimous consent to adopt amendment H—5093, to amendment H—5082 (to amendment H—5058).

Objection was raised.

Norland of Worth moved to suspend the rules to adopt amendment H—5093, to amendment H—5082 (to amendment H—5058) filed by him from the floor as follows:

H—5093

- 1 Amend amendment H—5082 to amendment H—5058
- 2 to House File 2171, as follows:
- 3 1. By striking page 2, line 28, through
- 4 page 3, line 17.

Roll call was requested by Rapp of Black Hawk and Connolly of Dubuque.

On the question "Shall the rules be suspended to adopt amendment H—5093, to amendment H—5082 (to amendment H—5058)?"

The ayes were, 45:

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

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Daggett	Danker

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

Absent or not voting, 2:

Clark, B. J. Miller

The motion lost.

Shull of Warren moved the adoption of amendment H—5082 to amendment H—5058.

Roll call was requested by Arnould of Scott and Sturgeon of Woodbury.

On the question "Shall amendment H—5082 be adopted?"

The ayes were, 51:

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

The nays were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Davitt	Dieleman	Doderer

Fey	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Johnson, R.	Knapp	Lloyd-Jones
Loneragan	Norland	O'Kane	Oxley
Pavich	Pelton	Poncy	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

Absent or not voting, 3:

Clark, B. J. Daggett Miller

Amendment H—5082, to amendment H—5058, was adopted.

With the adoption of amendment H—5082, to amendment H—5058, amendment H—5088, to amendment H—5058, filed by Rapp, et al., on February 10, 1982 and amendment H—5059, to amendment H—5058, filed by Davitt of Warren on February 4, 1982 are out of order.

Bruner of Story moved to suspend the rules to adopt amendment H—5088, to amendment H—5058, filed by Rapp, et al., from the floor as follows:

H—5088

- 1 Amend the Davitt amendment, H—5058, to House File
- 2 2171 as follows:
- 3 1. By inserting after page 5, line 6, the following:
- 4 "Sec. 22. Section 422.7, Code 1981, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION.** Add the amounts deducted as a re-
- 7 sult of the treatment of sale-leaseback agreements un-
- 8 der section 168 (f) (8) of the Internal Revenue Code of
- 9 1954 to the extent that the amounts deducted are not
- 10 otherwise deductible under the provisions of the In-
- 11 ternal Revenue Code of 1954.
- 12 "Sec. 23. Section 422.35, Code 1981, is amended
- 13 by adding the following new subsection:
- 14 **NEW SUBSECTION.** Add the amounts deducted as a re-
- 15 sult of the treatment provided sale-leaseback agree-
- 16 ments under section 168 (f) (8) of the Internal Revenue
- 17 Code of 1954 to the extent that the amounts deducted
- 18 are not otherwise deductible under the other provisions
- 19 of the Internal Revenue Code of 1954."
- 20 "Sec. 24. Sections 22 and 23 of this Act are retro-
- 21 active to January 1, 1981 for tax years ending on or
- 22 after January 1, 1981."
- 23 2. By renumbering as necessary.

Roll call was requested by Bruner of Story and Carl of Poweshiek.

On the question "Shall the rules be suspended to adopt amendment H—5088, to amendment H—5058?"

The ayes were, 45:

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

The nays were, 52:

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

Absent or not voting, 3:

Clark, B. J.	Clark, J. H.	Miller
--------------	--------------	--------

The motion lost.

The House stood at ease at 6:40 p.m. until the fall of the gavel.

The House resumed session at 7:00 p.m., Speaker Stromer in the chair.

Davitt of Warren asked unanimous consent to be withdrawn as a sponsor of amendment H—5058, as amended.

Objection was raised.

Avenson of Fayette asked and received unanimous consent to withdraw Davitt of Warren and to replace Pope of Polk as sponsor of amendment H—5058, as amended.

Pope of Polk moved the adoption of amendment H—5058, as amended.

A non-record roll call was requested.

The ayes were 58, nays 40.

Amendment H—5058, as amended, was adopted, placing out of order the following amendments:

H—5019A filed by the committee on appropriations previously adopted on February 3, 1982.

H—5021 filed by Doderer of Johnson on January 29, 1982.

H—5022 filed by Norland of Worth, et al., on January 29, 1982.

H—5023 filed by Norland of Worth, et al., on January 29, 1982.

H—5024 filed by Swartz of Marshall, et al., on January 29, 1982.

H—5025 filed by Byerly of Polk on January 29, 1982.

H—5029 filed by Bruner, et al., on February 2, 1982.

H—5030 filed by Shull, et al., on February 2, 1982.

H—5032 filed by Doderer, et al., on February 2, 1982.

H—5034 filed by Smith of Scott, et al., on February 2, 1982.

H—5037 filed by Shull of Warren on February 2, 1982.

H—5038 filed by Rapp, et al., on February 2, 1982.

H—5039 filed by Carl of Poweshiek, et al., on February 2, 1982.

H—5040 filed by Bruner of Story on February 2, 1982.

H—5041 filed by Smalley of Polk on February 2, 1982.

H—5042 filed by Davitt of Warren on February 2, 1982.

H—5043 filed by Doderer, et al., previously adopted on February 3, 1982.

H—5044 filed by Rapp of Black Hawk on February 2, 1982.

H—5045 filed by Bruner of Story on February 2, 1982.

H—5047, to amendment H—5045, filed by Bruner of Story on February 3, 1982.

H—5050 filed by Johnson of Linn on February 3, 1982.

H—5051, to amendment H—5034, filed by Chiodo of Polk on February 3, 1982.

H—5054, to amendment H—5034, filed by Schroeder of Pottawattamie, et al., on February 3, 1982.

H—5056 filed by Shull of Warren, et al., on February 4, 1982.

H—5057 filed by Norland of Worth on February 3, 1982.

H—5060, to amendment H—5038, filed by Ritsema of Sioux on February 4, 1982.

H—5063 filed by Connolly of Dubuque on February 4, 1982.

H—5072 filed by O'Kane of Woodbury on February 5, 1982.

H—5080 filed by Howell, et al., on February 8, 1982.

H—5085 filed by Avenson of Fayette, Bruner of Story and Davitt of Warren from the floor.

The following amendment H—5095 filed by Bruner of Story from the floor was adopted by unanimous consent:

H—5095

- 1 Amend House File 2171, as follows:
- 2 1. Title page, line 7, by inserting after the
- 3 word "credit," the following: "imposing a minimum
- 4 tax, reducing the deduction for federal taxes from
- 5 state corporate taxable income, amending certain
- 6 inheritance tax provisions,".

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

On the question "Shall the bill pass?" (H.F. 2171)

The ayes were, 68:

Anderson, J.	Anderson, R.	Baxter	Bennett
Binneboese	Branstad	Carl	Carpenter
Chiodo	Clark, J. H.	Clements	Conlon
Connolly	Cook	Corey	Crabb
Daggett	Danker	De Groot	Dieleman
Diemer	Egenes	Gross	Groth
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Jay
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Mann

Maulsby	McKean	Menke	Mullins
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Mr. Speaker

The nays were, 30:

Arnould	Avenson	Brandt	Bruner
Byerly	Cochran	Connors	Davitt
Doderer	Fey	Gettings	Hall
Halvorson, R. N.	Horn	Howell	Jochum
Johnson, R.	Loneragan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Rosenberg	Running	Sturgeon
Walter	Woods		

Absent or not voting, 2:

Clark, B. J. Miller

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

IMMEDIATE MESSAGE (House File 2171)

Pope of Polk asked and received unanimous consent that House File 2171 be immediately messaged to the Senate.

HOUSE RULE 41 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 41, regarding the filing of amendments one hour after adjournment.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 521), relating to the regulation of persons engaged in the marketing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date.

Fiscal Note is required.

Recommended Do Pass.

COMMITTEE ON COUNTY GOVERNMENT

House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON ENERGY

House Concurrent Resolution, opposing the accelerated decontrol of natural gas prices being considered by the President of the United States.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 51, as amended), providing a residential energy credit against individual state income tax liability, effective upon publication retroactive to January 1, 1981.

Fiscal Note is required.

Recommended Do Pass.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly House File 260, as amended), relating to work requirements for general relief recipients and to the establishment of employment standards for local taxing districts.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 657), relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

House File 2067, a bill for an act to change the procedures relating to failure to renew a license issued by the board of accountancy.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 560), relating to establishing a state employee suggestion system.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 572, as amended), to permit the Board of Podiatry Examiners to issue a temporary certificate to practice podiatry.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H—5086	H.F. 2335	Spear of Lee
H—5087	H.F. 2335	Spear of Lee

On motion by Pope of Polk, the House adjourned at 8:14 p.m., until 9:00 a.m., Thursday, February 11, 1982.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day—Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 11, 1982

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

Prayer was offered by Pastor Orlan Wilhite, pastor of the Grandview Park Baptist Church, Des Moines.

The Journal of Wednesday, February 10, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. G. Parks, Centerville.

PETITIONS FILED

The following petitions were received and placed on file:

By Davitt of Warren, from two hundred ninety-five constituents supporting the resolution for the handicapped and disabled people dependent on Title XX funding, adopted by the Iowa Association of Rehabilitation Facilities.

By Maulsby of Calhoun, from seven hundred seventy-six constituents from the forty-seventh district opposing changing Rockwell City Women's reformatory to a men's institution.

By Trucano of Polk, from two hundred ten residents of Polk County favoring amending the juvenile code.

HOUSE FILE 552 WITHDRAWN

Tyrrell of Iowa asked and received unanimous consent to withdraw House File 552 from further consideration by the House.

On motion by Pope of Polk, the House was recessed at 9:12 a.m. until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2341, by committee on state government, a bill for an act relating to establishing a state employee suggestion system.

Read first time and placed on the calendar.

House File 2342, by committee on agriculture, a bill for an act relating to the regulation of persons engaged in the marketing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date.

Read first time and referred to committee on appropriations.

House File 2343, by committee on ways and means, a bill for an act relating to the state sales, services, and use tax by providing that the tax applies to communication services, including communication services occurring partly within and partly without the state, and providing that the tax applies to cable television services.

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

House File 2344, by committee on judiciary and law enforcement, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance.

Read first time and placed on the calendar.

House File 2345, by committee on judiciary and law enforcement, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

Read first time and placed on the calendar.

House File 2346, by committee on judiciary and law enforcement, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 2100, by committee on transportation, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license.

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

HOUSE CONCURRENT RESOLUTION 115

By Pope and Avenson

- 1 *Be It Resolved by the House of Representatives,*
- 2 *the Senate Concurring,* That a joint convention of
- 3 the two houses of the 1982 session of the Sixty-ninth
- 4 General Assembly be held on Monday, February 22, 1982,
- 5 at 11:00 a.m.
- 6 *Be It Further Resolved,* That Chief Justice of the
- 7 Supreme Court W. Ward Reynoldson be invited to present
- 8 his message of the condition of the judicial department
- 9 at this joint convention, and recommend such matters as
- 10 the Chief Justice deems expedient, pursuant to section
- 11 684.22 of the Code.

Laid over under Rule 30.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 11, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 372, an act relating to the amount of the surety bond required of mobile home dealers.

Senate File 294, an act relating to taxidermy and subjecting violators to a penalty.

COMMUNICATION RECEIVED

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

FAMILY PRACTICE EDUCATION ADVISORY BOARD

The annual report of the Family Practice Education Advisory Board, pursuant to Chapter 148D.5, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 666 Labor and Industrial Relations**

Relating to the base period upon which unemployment compensation benefits are computed for certain individuals receiving workers' compensation benefits.

S.B. 667 Judiciary and Law Enforcement

Relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

S.B. 668 Education

To provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

S.B. 669 Transportation

Providing that fines and forfeited bail collected for weight, registration and embargo violations be credited to the road use tax fund with the exception that certain amounts of fines and forfeited bail for weight violations be credited to a special fund created by this Act to permit the reimbursement of certain school districts which incur a significant loss of miscellaneous income, and making an appropriation.

S.B. 670 Labor and Industrial Relations

To exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars.

S.B. 671 Education

Relating to the duties of the school budget review committee.

S.B. 672 Commerce

Creating the Iowa Small Business Development Authority, providing for the authority to issue revenue bonds and defining its powers and duties.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 217, a bill for an act to provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5094.

Committee Bill (Formerly House File 78, as amended), relating to property tax by providing for exemptions for wetland, recreational lake, forest cover, forest reservations, rivers and streams, river and stream banks and open prairies and increasing the assessed value of fruit-tree and forest reservation.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 542, as amended), relating to the state sales, services, and use tax by providing that the tax applies to communication services, including communication services occurring partly within and partly without the state, and providing that the tax applies to cable television services.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5094	S.F. 217	Committee on Ways and Means
H-5096	S.F. 396	Harbor of Mills
H-5097	H.F. 2335	Conlon of Muscatine
H-5098	H.F. 2335	Spear of Lee
H-5099	S.F. 367	Tyrrell of Iowa
H-5100	H.F. 2335	Halvorson of Clayton
		Conlon of Muscatine
		Rapp of Black Hawk

H-5101	H.F. 2335	Ritsema of Sioux
H-5102	H.F. 2335	Doderer of Johnson
H-5103	H.F. 2335	Ritsema of Sioux
H-5104	S.F. 396	Corey of Louisa
H-5105	H.F. 2335	Ritsema of Sioux
H-5106	H.F. 2335	Halvorson of Clayton
		Rapp of Black Hawk
		Conlon of Muscatine
		Welsh of Dubuque
		Smalley of Polk

On motion by Bennett of Ida, the House adjourned at 12:23 p.m., until 9:00 a.m., Friday, February 12, 1982.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day—Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 12, 1982

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

Prayer was offered by the Reverend Bernard Nelson, pastor of the Christ Lutheran Church, Des Moines.

The Journal of Thursday, February 11, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Pope of Polk; Pelton of Clinton on request of Krewson of Polk.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 10, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 788, a bill for an act excluding child day care providers and babysitters from the child foster care licensing requirements.

Also: That the Senate has on February 10, 1982, concurred in the House amendment and passed the following joint resolution in which the concurrence of the Senate was asked:

Senate Joint Resolution 6, proposing an amendment to the Constitution of the State of Iowa to allow the legislature to void a rule of a state agency by concurrent resolution.

Also: That the Senate has on February 10, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 494, a bill for an act relating to objections to the place of trial in a criminal action.

K. MARIE THAYER, Secretary

The House resumed session at 10:28 a.m., Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2347, by committee on labor and industrial relations, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

Read first time and placed on the calendar.

House File 2348, by committee on state government, a bill for an act to permit the board of podiatry examiners to issue a temporary certificate to practice podiatry.

Read first time and placed on the calendar.

House File 2349, by committee on judiciary and law enforcement, a bill for an act relating to the definition of adjusted gross estate.

Read first time and placed on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2335, a bill for an act relating to the sentences of inmates committed to the custody of the director of the division of adult corrections with report of committee recommending passage was taken up for consideration.

HOUSE RULE 25 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 25 to permit Daryl Fischer, Coordinator of Data Analysis Office for Planning and Programming, to be present in the House chamber during debate on House File 2335.

Halvorson of Clayton offered the following amendment H-5106, filed by Halvorson, et al., and requested division as follows:

H-5106

1 Amend House File 2335 as follows:

H-5106A

- 2 1. Page 1, by striking lines 34 and 35.
3 2. Page 2, by striking lines 1 through 3.

H-5106B

- 4 3. Page 6, line 25, by inserting after the word
5 "record" the words "and prior delinquency
6 adjudications,".
7 4. Page 6, line 28, by striking the word "schedule"
8 and inserting in lieu thereof the word "schedules".
9 5. Page 6, by striking lines 30 and 31 and
10 inserting in lieu thereof the following:

11 "PRIOR ADULT CONVICTIONS YEARS SINCE CONVICTION
12 More than 10 5 to 10 Less than 5"
13 6. Page 6, by inserting after line 34 the
14 following:

<u>POINT SCHEDULE</u>			
<u>PRIOR DELINQUENCY</u> <u>ADJUDICATION</u>	<u>YEARS SINCE ADJUDICATION</u>		
	<u>More than 6</u>	<u>3 to 6</u>	<u>Less than 3</u>
18 FORCIBLE FELONY	2	3	4
19 NONFORCIBLE FELONY	1	2	3
20 AGGRAVATED MISDEMEANOR	0	1	2

H-5106A

- 21 7. Page 8, by inserting after line 19, the follow-
22 ing:
23 "c. When an inmate is committed under several
24 convictions with consecutive sentences, they shall
25 be construed as one continuous sentence for purposes
26 of determining the mandatory minimum term of
27 incarceration, commencement of periodic review,
28 earliest earned release, and period of mandatory
29 supervised release. When an inmate is committed or
30 recommitted under several convictions with concurrent
31 sentences, the sentence for the offense which results
32 in the most extensive penalty shall apply for purposes
33 of determining the mandatory minimum term of
34 incarceration, commencement of periodic review, earliest
35 earned release, and period of mandatory supervised
36 release."

37 8. Page 12, by striking lines 6 through 11 and
38 inserting in lieu thereof the following:

39 "1. Any person convicted of a second or subsequent
40 an offense under this chapter, may be punished by
41 imprisonment for a period not to exceed three times
42 the term otherwise authorized as provided for by the
43 Code, or fined not more than three times the amount
44 otherwise authorized, or punished by both such
45 imprisonment and fine."

46 9. Page 13, by inserting after line 12, the
47 following:

48 "Sec. . Section 663A.2, Code 1981, is amended
49 by adding the following new subsection following
50 subsection 5 and renumbering the remaining subsection:

Page 2

1 NEW SUBSECTION. 6. The person's reduction of
2 sentence pursuant to sections 2 through 8 of this
3 Act has been unlawfully forfeited and the person has
4 exhausted the appeal procedure of section 4, subsection
5 3 of this Act; or

6 Sec. . Section 811.5, Code 1981, is amended
7 to read as follows:

8 811.5 BAIL ON APPEAL. After conviction, upon
9 appeal to the appellate court, the defendant must
10 be admitted to bail, if it be from the judgment
11 imposing a fine, upon the undertaking of bail that
12 the defendant will, in all respects, abide the orders
13 and the judgment of the appellate court upon appeal;
14 if from a judgment of imprisonment, except as provided
15 in section 811.1 upon the undertaking of bail that
16 the defendant will surrender in execution of the
17 judgment and direction of the appellate court, and
18 in all respects abide the orders and judgment of the
19 appellate court upon the appeal. However, if the
20 only grounds of the defendant's appeal is the court's
21 error in the determination of use of a dangerous weapon
22 or prior convictions, or both, for purposes of
23 classification pursuant to section 12 of this Act,
24 the defendant is not eligible for bail. Such bail
25 may be taken, either by the court where the judgment
26 was rendered, or the district court of the county
27 in which the defendant is imprisoned, or by the
28 appellate court, or a judge or clerk of any of such
29 courts. Provided, that in lieu of bail, bailable
30 defendants as described herein may be released in
31 accordance with the provisions of section 811.2."

32 10. Page 13, by inserting after line 18 the follow-
33 ing:

34 "Sec. . Section 814.6, subsection 1, Code 1981,
35 is amended by adding the following new lettered
36 paragraph:

37 NEW LETTERED PARAGRAPH. A judgment entry in which
38 the defendant is found to have used a dangerous weapon
39 as defined in section 702.7, in the commission of
40 the offense or offenses for which the defendant was
41 sentenced, or a judgment entry is found to have prior
42 convictions, or both."

43 11. Page 18, by striking lines 5 through 11 and
44 inserting in lieu thereof the following:

45 "3. In addition to those persons eligible for
46 parole under subsection 2, after a person committed
47 to the custody of the director of the division of
48 adult corrections serves the mandatory term of
49 incarceration as provided for in section 12, subsection
50 4 of this Act, the director or the director's designee

Page 3

1 shall make an evaluation and recommendation to the
2 board of parole as to the inmate's suitability for
3 parole. Upon receipt of the evaluation and
4 recommendation, the board shall review the evaluation
5 and recommendation, and shall in turn make a
6 determination whether the inmate should be considered
7 for parole at that time or at a future time earlier
8 than commencement of periodic review. The board may
9 at its discretion interview and release on parole
10 those persons evaluated, who have a relatively low
11 point total pursuant to the habitual offender
12 classification of section 12 of this Act, or who
13 appear to be a relatively good parole risk, or both.
14 Section 12 of this Act does not preclude the board
15 from interviewing an inmate for informational purposes.
16 An interview for informational purposes, and interviews
17 and consideration of an inmate for parole under this
18 subsection does not constitute the commencement of
19 periodic review as provided for in subsection 1."

20 12. Page 27, by inserting after line 33 the
21 following:

22 "Sec. . Section 1 of chapter 198, Acts of the
23 Sixty-ninth General Assembly, 1981 Session, is
24 repealed."

25 13. By renumbering as necessary to conform to
26 this amendment.

Conlon of Muscatine offered the following amendment H—5107,
to amendment H—5106A, filed by him from the floor and moved its
adoption:

H-5107

- 1 Amend amendment H-5106 to House File 2335 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3, and by
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, line 35, by inserting after the
- 6 word "who" the word "intentionally".

Amendment H-5107, to amendment H-5106A, was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H-5112, filed by Doderer and Rosenberg from the floor.

Rapp of Black Hawk offered the following amendment H-5108, to amendment H-5106A, filed by him from the floor and moved its adoption:

H-5108

- 1 Amend amendment H-5106 to House File 2335, as
- 2 follows:
- 3 1. Page 2, line 36, by striking the word
- 4 "paragraph" and inserting in lieu thereof the word
- 5 "paragraphs".
- 6 2. Page 2, by inserting after line 36 the
- 7 following:
- 8 "NEW LETTERED PARAGRAPH. A sentence which deviates
- 9 beyond the permissible limits of the rules of
- 10 sentencing promulgated pursuant to section 17 of this
- 11 Act."
- 12 3. Page 2, line 41, by inserting after the word
- 13 "entry" the words "in which the defendant".

Amendment H-5108, to amendment H-5106A, was adopted.

Tyrrell of Iowa offered amendment H-5113, to amendment H-5106A, filed by Tyrrell, et al., from the floor as follows:

H-5113

- 1 Amend amendment H-5106 to House File 2335 as
- 2 follows:
- 3 1. Page 3, line 22, by inserting after the number
- 4 "198", the words "and section 3, subsection 5, of
- 5 chapter 10".
- 6 2. Page 3, line 24, by striking the word "is" and
- 7 inserting in lieu thereof the word "are".

Conlon of Muscatine rose on a point of order that amendment H—5113, to amendment H—5106A, was not germane.

The Speaker ruled the point well taken and amendment H—5113, to amendment H—5106A, not germane.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5115, filed by him from the floor.

Halvorson of Clayton moved the adoption of amendment H—5106A, as amended.

Amendment H—5106A, as amended, was adopted.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on amendment H—5106B.

Conlon of Muscatine offered the following amendment H—5097 filed by him and requested division as follows:

H—5097

1 Amend House File 2335 as follows:

H—5097A

- 2 1. Page 2, by striking lines 16 through 18.
- 3 2. Page 3, by striking lines 20 and 21 and
- 4 inserting in lieu thereof the words "amount of the
- 5 restored good conduct time. Good conduct time
- 6 forfeited".
- 7 3. Page 6, line 7, by inserting after the word
- 8 "the" the word "yearly".
- 9 4. Page 9, line 19, by inserting after the word
- 10 "trial" the word "defense".
- 11 5. Page 9, line 25, by inserting after the word
- 12 "members," the words "one from each house and".
- 13 6. Page 12, line 29, by striking the word "in"
- 14 and inserting in lieu thereof the word "by".

H—5097B

- 15 7. Page 15, line 13, by inserting after the word
- 16 "convictions" the words "or adjudications".
- 17 8. Page 15, line 14, by inserting after the word
- 18 "defendant," the words "the dates of the prior
- 19 convictions or adjudications, whether the prior
- 20 convictions or adjudications were forcible felonies.".

- 21 9. Page 27, by striking line 21, and inserting
22 in lieu thereof the words "is being sentenced, a
23 finding of prior convictions or adjudications of".
24 10. Page 27, line 22, by inserting after the word
25 "defendant" the words ", the dates of the prior
26 convictions or adjudications, and whether the prior
27 convictions or adjudications were forcible felonies".

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H-5111 filed by her from the floor.

Conlon of Muscatine moved the adoption of H-5097A.

Amendment H-5097A was adopted.

Ritsema of Sioux offered the following amendment H-5105 filed by him and requested division as follows:

H-5105

- 1 Amend House File 2335 as follows:

H-5105A

- 2 1. Page 3, by striking lines 20 and 21 and
3 inserting in lieu thereof the words "amount of the
4 restored good conduct time. Good conduct time
5 forfeited".

H-5105B

- 6 2. Page 4, by striking lines 10 through 12 and
7 inserting in lieu thereof the following: "inmate
8 shall not be discharged from a facility under the
9 management and control of the director of the division
10 of adult corrections, until the inmate has served
11 the full term for which".

H-5105C

- 12 3. Page 6, line 7, by inserting after the word
13 "the" the word "annual".

H-5105D

- 14 4. Page 6, by inserting after line 9 the following:
15 " "Prior adult conviction record" means
16 convictions for felonies and aggravated misdemeanors
17 in this or any other jurisdiction including federal
18 and military but not foreign."

H-5105E

- 19 5. Page 13, by striking lines 26 through 30, and
20 inserting in lieu thereof the words "their
21 recommendations".

H-5105F

- 22 6. Page 14, line 8, by inserting after the word
23 "record" the words "and neither the defendant nor
24 the county attorney may waive the preparation of that
25 portion of the report".

H-5105G

- 26 7. Page 15, line 14, by inserting after the word
27 "defendant," the words "the dates of the prior
28 convictions, whether the prior convictions were
29 forcible felonies,".
30 8. Page 27, line 22, by inserting after the word
31 "defendant" the words ", the dates of the prior
32 convictions, and whether the prior convictions were
33 forcible felonies".
34 9. By renumbering to conform to this amendment.

With the adoption of amendment H-5097A, amendments H-5105A and H-5105C are out of order.

Ritsema of Sioux asked and received unanimous consent to withdraw amendment H-5105B.

Spear of Lee offered the following amendment H-5083 filed by him and moved its adoption:

H—5083

1 Amend House File 2335 as follows:

2 1. Page 4, lines 10 through 12, by striking the
3 words "penitentiary, the men's or women's reformatory,
4 or the Iowa security medical facility" and inserting
5 in lieu thereof the words "custody of the director
6 of the division of adult corrections".

Amendment H—5083 was adopted.

Ritsema of Sioux moved the adoption of amendment H—5105D.

Amendment H—5105D was adopted.

Spear of Lee offered the following amendment H—5098, filed by him and moved its adoption:

H—5098

1 Amend House File 2335 as follows:

2 1. Page 6, by striking line 22 and inserting in
3 lieu thereof the following:

4 "1. Upon commitment of an offender, other than
5 a class "A" felon, to the custody of the".

6 2. Page 8, by inserting after line 19 the
7 following:

8 "c. A class "A" felon committed to the custody
9 of the director shall not be classified and shall
10 not be assigned a mandatory minimum term of
11 incarceration, date of commencement of periodic review,
12 earliest earned release date, and period of mandatory
13 supervised release, until the class "A" felon's
14 sentence is commuted to a term of years."

15 3. Page 17, line 18, by inserting after the word
16 "felon" the words "whose sentence has not been commuted
17 to a term of years".

18 4. Page 18, line 1, by inserting after the word
19 "felon" the words "whose sentence has not been commuted
20 to a term of years".

21 5. Page 18, line 7, by inserting after the word
22 "felons" the words "whose sentences have not been
23 commuted to terms of years".

Amendment H—5098 was adopted.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5087.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on amendments H—5101 and H—5102.

Spear of Lee offered the following amendment H—5084, filed by him and moved its adoption:

H—5084

1 Amend House File 2335 as follows:

2 1. Page 10, by striking lines 10 and 11 and
3 inserting in lieu thereof the following: "and shall
4 promulgate sentencing guidelines for the district
5 court within the limitations set".

6 2. Page 10, by striking lines 13 through 17 and
7 inserting in lieu thereof the following:
8 "characteristics. The sentencing guidelines
9 promulgated by the commission shall be submitted to
10 the general assembly together with any recommended
11 code changes to implement the guidelines. The general
12 assembly may enact the changes and guidelines by
13 statute. The proposed guidelines shall be advisory
14 to the district court and shall establish:".

15 3. Page 10, line 26, by striking the word "rules"
16 and inserting in lieu thereof the word "guidelines".

17 4. Page 10, by striking lines 30 through 32 and
18 inserting in lieu thereof the following: "The
19 commission may recommend the continuance, rejection,
20 or modification of all or part of the Iowa classified
21 sentencing act as part of its recommendations to the
22 general assembly."

23 5. Page 10, line 34, by striking the word "rules"
24 and inserting in lieu thereof the word "guidelines".

25 6. Page 11, line 3, by striking the word "rules"
26 and inserting in lieu thereof the word "guidelines".

27 7. Page 11, by striking lines 9 through 12 and
28 inserting in lieu thereof the following: "sentencing
29 guidelines, and other aspects of sentencing."

30 8. Page 13, by striking line 17 and inserting
31 in lieu thereof the following: "of the sentencing
32 guidelines established pursuant to section".

33 9. Page 14, line 20, by striking the words "rules
34 of sentencing" and inserting in lieu thereof the words
35 "sentencing guidelines".

36 10. Page 14, by striking lines 27 and 28 and
37 inserting in lieu thereof the following: "conjunction,
38 if applicable, with the sentencing guidelines
39 established pursuant to section 17 of this Act. The
40 court".

41 11. Page 15, by striking line 25 and inserting

- 42 in lieu thereof the following: "operation of section
 43 17 of this Act, the maximum length of which".
 44 12. Page 15, by striking lines 29 and 30 and
 45 inserting in lieu thereof the following: "provided.
 46 The court shall consider the applicable sentencing
 47 guidelines in imposing the sentence."

Roll call was requested by Ritsema of Sioux and Krewson of Polk.

On the question "Shall amendment H—5084 be adopted?"

The ayes were, 17:

Binneboese	Carl	Carpenter	Clark
De Groot	Doderer	Egenes	Hall
Hummel	Knapp	Krewson	Lloyd-Jones
McKean	Mullins	Ritsema	Spear
Walter			

The nays were, 76:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Brandt	Branstad	Bruner
Byerly	Chiodo	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Daggett	Danker	Davitt
Dieleman	Diemer	Fey	Gettings
Gross	Groth	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Lonergan	Mann	Maulsby
Menke	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

Absent or not voting, 7:

Bennett	Clark, B. J.	Connors	Halvorson, R. N.
Miller	Pelton	Tofte	

Amendment H—5084 lost.

(House File 2335 pending at adjournment)

MOTION TO RECONSIDER
(Amendment H—5084 to House File 2335)

I move to reconsider the vote by which amendment H—5084 to House File 2335 failed to be adopted by the House on February 12, 1982.

Poffenberger of Dallas

SPONSOR ADDED
(House File 2271)

Rosenberg of Story requested to be added as a sponsor of House File 2271.

COMMUNICATION RECEIVED

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

CITIZENS' AIDE/OMBUDSMAN

A statement of the activities of the Citizens' Aide/Ombudsman for the calendar year 1981, pursuant to Chapter 601G, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 673 Cities

Relating to a landlord's right of access to a tenant's dwelling unit.

S.B. 674 Education

Relating to the seniority of persons who have served as school administrators and to provide that the Act takes effect upon its publication.

S.B. 675 Judiciary and Law Enforcement

Amending Limited Partnership Law.

S.B. 676 Judiciary and Law Enforcement

Providing for cost-of-living adjustments in child support judgments of the district court, including judgments entered prior to the effective date of this Act.

S.B. 677 Education

To provide requirements for teaching about the origin of man, life, the earth, and the universe.

SUBCOMMITTEE ASSIGNMENTS**House File 586**

Cities: Diemer, Chair; Clements and Running.

House File 2046 (Reassigned)

State Government: Anderson of Audubon, Chair; Anderson of Jasper and Smith.

House File 2087

Ways and Means: Poffenberger, Chair; McKean and Brandt.

House File 2129

Ways and Means: Schnekloth, Chair; Diemer and Norland.

House File 2149

Cities: Tyrrell, Chair; Johnson of Linn and Spear.

House File 2160

Ways and Means: Daggett, Chair; Maulsby and Brandt.

House File 2165

State Government: Carpenter, Chair; Crabb and Woods.

House File 2168

State Government: Smith, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

House File 2169

Ways and Means: Conlon, Chair; Bennett and Hall.

House File 2182

Ways and Means: Branstad, Chair; Maulsby and Oxley.

House File 2183

Ways and Means: Ritsema, Chair; Diemer and Rapp.

House File 2187

Ways and Means: Conlon, Chair; Shull and Chiodo.

House File 2195

Ways and Means: Hanson of Delaware, Chair; Conlon and Hall.

House File 2197

Ways and Means: Diemer, Chair; Daggett and Cochran.

House File 2199

Ways and Means: Shull, Chair; Conlon and Chiodo.

House File 2200

Ways and Means: Maulsby, Chair; Daggett and Norland.

House File 2203

Ways and Means: McKean, Chair; Bennett and Dieleman.

House File 2211

Ways and Means: Conlon, Chair; Ritsema and Connolly.

House File 2212

Ways and Means: Krewson, Chair; Carpenter and Norland.

House File 2217

Ways and Means: Carpenter, Chair; Shull and Pavich.

House File 2234

Ways and Means: Ritsema, Chair; Conlon and Rapp.

House File 2235

Ways and Means: Petrick, Chair; McKean and Howell.

House File 2237

Labor and Industrial Relations: Smalley, Chair; Horn and Welden.

House File 2243

Ways and Means: Conlon, Chair; Shull and Chiodo.

House File 2247

Labor and Industrial Relations: Corey, Chair; Diemer and Pavich.

House File 2254

Ways and Means: Maulsby, Chair; Daggett and Cochran.

House File 2255

Ways and Means: Branstad, Chair; Maulsby and Oxley.

House File 2257

Ways and Means: Bennett, Chair; Krewson and Pavich.

House File 2259

Ways and Means: Shull, Chair; Diemer and Hall.

House File 2269

Ways and Means: Conlon, Chair; Shull and Chiodo.

House File 2275

Ways and Means: Hanson of Delaware, Chair; Daggett and Dieleman.

House File 2294 (Reassigned)

State Government: Anderson of Audubon, Chair; Halvorson of Webster and Harbor.

House File 2296

Ways and Means: Daggett, Chair; Ritsema and Connolly.

House File 2299

Ways and Means: Ritsema, Chair; Hanson of Delaware and Hall.

House File 2309

Human Resources: Krewson, Chair; Mullins and Spear.

House File 2310

Ways and Means: Lageschulte, Chair; Carpenter and Chiodo.

House File 2316

Ways and Means: Ritsema, Chair; Poffenberger and Rapp.

House File 2321

Ways and Means: Carpenter, Chair; Petrick and O'Kane.

House File 2323

Labor and Industrial Relations: Welden, Chair; Stueland and Renaud.

House File 2325

Labor and Industrial Relations: Conlon, Chair; Mann and Sturgeon.

House File 2328

Ways and Means: Lageschulte, Chair; Daggett and Dieleman.

House File 2329

Ways and Means: Renken, Chair; Petrick and Cochran.

Senate File 270

State Government: Lageschulte, Chair; Dieleman, Smith, Tofte and Woods.

Senate File 276

Judiciary and Law Enforcement: Poffenberger, Chair; Pelton and Jochum.

Senate File 312

Energy: Ritsema, Chair; O'Kane and Poffenberger.

Senate File 488

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 536

Human Resources: Mullins, Chair; Clements, Arnould, Connors, Fey, Maulsby, Poffenberger and Walter.

Senate File 537

Human Resources: Krewson, Chair; Gross, Carl, Loneragan, Menke and Miller.

Senate File 577

Judiciary and Law Enforcement: Poffenberger, Chair; Pelton and Jochum.

Senate File 579

Ways and Means: Daggett, Chair; Petrick and Cochran.

Senate File 2021

Human Resources: Loneragan, Chair; Daggett and Trucano.

Senate File 2080

Ways and Means: Ritsema, Chair; Bennett and Hall.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 159**

Human Resources: Poffenberger, Chair; Fey and Menke.

Study Bill 525

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Study Bill 632

Ways and Means: Krewson, Chair; Carpenter and Chiodo.

Study Bill 634

Energy: Ritsema, Chair; Cook and Howell.

Study Bill 635

Natural Resources: Stueland, Chair; Pellet, Jay, Cochran and Cook.

Study Bill 636

Natural Resources: Stueland, Chair; Pellett, Jay, Cochran and Cook.

Study Bill 637

Natural Resources: Stueland, Chair; Pellett, Jay, Cochran and Cook.

Study Bill 638

Education: Johnson of Howard, Chair; Petrick and Carl.

Study Bill 639

Education: Johnson of Howard, Chair; Petrick and Carl.

Study Bill 640

Education: Johnson of Howard, Chair; Petrick and Carl.

Study Bill 642

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 643

Education: Mann, Chair; Swearingen and Lonergan.

Study Bill 644

Ways and Means: Schnekloth, Chair; Diemer and Norland.

Study Bill 645

Transportation: Branstad, Chair; Binneboese and Schroeder.

Study Bill 649

Transportation: Menke, Chair; Johnson of Woodbury and Lloyd-Jones.

Study Bill 651

Ways and Means: Carpenter, Chair; Petrick and O'Kane.

Study Bill 652

Ways and Means: Poffenberger, Chair; McKean and Brandt.

Study Bill 653

Judiciary and Law Enforcement: Poffenberger, Chair; Corey and Jay.

Study Bill 654

Judiciary and Law Enforcement: Conlon, Chair; Sturgeon and Jochum.

Study Bill 655

Judiciary and Law Enforcement: Conlon, Chair; Welsh and Rosenberg.

Study Bill 656

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Rosenberg.

Study Bill 658

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

Study Bill 659

Human Resources: Krewson, Chair; Gross, Carl, Lonergan, Menke and Miller.

Study Bill 660

Energy: Cook, Chair; De Groot, Ritsema, Howell, Mullins and Carl.

Study Bill 661

Judiciary and Law Enforcement: Conlon, Chair; Jay and Johnson of Howard.

Study Bill 662

Judiciary and Law Enforcement: Corey, Chair; Egenes and Arnould.

Study Bill 663

Ways and Means: Clark of Lee, Chair; Carpenter and Rapp.

Study Bill 664

Judiciary and Law Enforcement: Conlon, Chair; Jay and Johnson of Howard.

Study Bill 665

Judiciary and Law Enforcement: Johnson of Howard, Chair; Egenes and Brandt.

Study Bill 666

Labor and Industrial Relations: Halvorson of Clayton, Chair; Diemer and Poncy.

Study Bill 667

Judiciary and Law Enforcement: Conlon, Chair; Welsh and Trucano.

Study Bill 669

Transportation: Branstad, Chair; Gettings and Pellett.

Study Bill 670

Labor and Industrial Relations: Hummel, Chair; Stueland and Jochum.

Study Bill 672

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

Study Bill 673

Cities: Johnson of Linn, Chair; Walter and Tyrrell.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

Committee Bill (Formerly Study Bill 650, as amended), to establish an Iowa advisory commission in inter-governmental relations.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON HUMAN RESOURCES

Senate File 535, a bill for an act relating to the chronic renal disease program within the state department of health.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 602), relating to the requirements for certifications as an ophthalmic dispenser.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON TRANSPORTATION

Senate File 482, a bill for an act providing for compensation to owners of advertising devices and lessors of property upon which advertising devices are located when the advertising device is removed or taken by the state or a political subdivision of the state.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5109	H.F. 2335	Spear of Lee
H-5114	H.F. 2335	Ritsema of Sioux
H-5116	H.F. 2335	Byerly of Polk
H-5118	H.F. 2335	Doderer of Johnson
		Rosenberg of Story
H-5119	H.F. 2344	Rosenberg of Story
		Conlon of Muscatine
		Rapp of Black Hawk
H-5120	H.F. 2335	Schroeder of Pottawattamie
H-5121	H.F. 2335	Doderer of Johnson
		Poffenberger of Dallas
		Mullins of Kossuth
		Carpenter of Polk
		Spear of Lee
H-5122	H.F. 2335	Doderer of Johnson
		Poffenberger of Dallas
		Mullins of Kossuth
		Carpenter of Polk
		Spear of Lee
H-5123	H.F. 2345	Spear of Lee
H-5124	H.F. 2335	Poffenberger of Dallas
H-5125	H.F. 2113	Hanson of Delaware
H-5126	S.F. 2084	Hanson of Delaware
		Brandt of Black Hawk
		Lageschulte of Bremer
		Krewson of Polk
		Woods of Polk
		Trucano of Polk
		Clements of Scott
H-5127	H.F. 2335	Rapp of Black Hawk

On motion by Pope of Polk, the House adjourned at 12:05 p.m., until 10:00 a.m., Monday, February 15, 1982.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day—Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 15, 1982

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

Prayer was offered by the Reverend Melvin Reth, pastor of the United Methodist Church, Modale.

The Journal of Friday, February 12, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Buchanan, for the week of February 15, 1982, on request of Avenson of Fayette; Byerly of Polk on request of Woods of Polk; Chiodo of Polk, for February 15 and 16, 1982, on request of Woods of Polk; Mullins of Kossuth on request of Menke of O'Brien; Danker of Pottawattamie on request of Halvorson of Clayton; Crabb of Crawford, for a portion of the morning, on request of Harbor of Mills; Welden of Hardin on request of Hansen of O'Brien; Baxter of Des Moines on request of Connors of Polk; Johnson of Linn, for February 15 and 16, 1982, on request of Lloyd-Jones of Johnson.

HOUSE FILE 2018 WITHDRAWN

Horn of Linn asked and received unanimous consent to withdraw House File 2018 from further consideration by the House.

HOUSE FILE 2132 WITHDRAWN

Harbor of Mills asked and received unanimous consent to withdraw House File 2132 from further consideration by the House.

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2335**, a bill for an act relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

Spear of Lee asked and received unanimous consent to reconsider the vote by which amendment H—5098, found on page 384 of the House Journal, was adopted by the House on February 12, 1982.

The House reconsidered amendment H—5098. Division was requested as follows: H—5098A, lines 4 through 20; H—5098B, lines 21 through line 23.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5098B.

Spear of Lee moved the adoption of amendment H—5098A.

Amendment H—5098A was adopted.

Rapp of Black Hawk offered the following amendment H—5127 filed by him and requested division as follows:

H—5127

1 Amend House File 2335 as follows:

H—5127A

2 1. Page 2, line 3, by inserting after the word
3 "surrenders" the words "within twenty-four hours of
4 the escape".

H—5127B

5 2. Page 3, line 7, by inserting after the word
6 "modify," the words "remand for correction of
7 procedural errors,".
8 3. Page 3, line 11, by inserting after the word
9 "modify," the words "remand for correction of
10 procedural errors,".

H—5127F

11 4. Page 4, by striking lines 10 through 12 and
12 inserting in lieu thereof the following: "inmate
13 shall not be discharged from the custody of the
14 director of the division of adult corrections until
15 the inmate has served the full term for which".

H—5127B

16 5. Page 4, by inserting after line 29 the
17 following:
18 "An inmate shall not receive credit upon the
19 inmate's sentence for time:
20 a. Spent in custody in another state resisting

21 return to Iowa following an escape; or
 22 b. Served in an institution or jail of another
 23 jurisdiction during any period of time the person
 24 is receiving credit upon a sentence of that other
 25 jurisdiction."

26 6. Page 5, line 6, by striking the word "needed"
 27 and inserting in lieu thereof the word "available".

28 7. Page 6, line 12, by inserting after the word
 29 and figure "subsection 1," the figure "901.8".

30 8. Page 6, line 13, by striking the words "felony
 31 or aggravated misdemeanor" and inserting in lieu
 32 thereof the word "offense".

33 9. Page 7, line 7, by inserting after the word
 34 "a" the words "forcible felony, nonforcible".

35 10. Page 7, line 8, by inserting after the word
 36 "a" the words "forcible felony, nonforcible".

H-5127C

37 11. Page 7, lines 29 and 30, by striking the words
 38 "an earliest earned release date,".

39 12. Page 7, by striking lines 34 and 35.

40 13. Page 8, by striking lines 1 through 8 and
 41 inserting in lieu thereof the following:

Offender Classification	Mandatory		Commencement		Period Of	
	Minimum		Of Periodic		Mandatory	
	Term Of In-		Review		Supervised	
	<u>carceration</u>		<u>No</u>		<u>Release</u>	
	No	Weapon	No	Weapon	No	Weapon
Habitual III	16%	18%	32%	36%	8%	9%
Habitual II	14%	16%	28%	32%	7%	8%
Habitual I	12%	14%	24%	28%	6%	7%

Page 2

1 Nonhabitual 10% 12% 20% 24% 5% 6%".

2 14. Page 8, by striking lines 11 and 12 and
 3 inserting in lieu thereof the words "is eligible for
 4 periodic review, and on".

H-5127D

5 15. Page 8, line 30, by striking the figure "2".

6 16. Page 8, line 34, by striking the figure "3"
 7 and inserting in lieu thereof the figure "2".

H-5127E

8 17. Page 10, line 17, by inserting after the word
 9 "and" the following: "appellate review of judicial
 10 sentences is available only if sentences are above
 11 or below the guidelines. The adopted rules".

Rapp of Black Hawk asked and received unanimous consent to withdraw amendments H—5127A and H—5127F.

Rapp of Black Hawk moved the adoption of amendment H—5127B.

Amendment H—5127B was adopted.

Rapp of Black Hawk moved the adoption of amendment H—5127C.

Roll call was requested by Pope of Polk and Conlon of Muscatine.

On the question "Shall amendment H—5127C be adopted?"

The ayes were, 29:

Anderson, R.	Arnould	Brandt	Bruner
Carl	Cochran	Connolly	Davitt
Dieleman	Doderer	Fey	Groth
Hall	Howell	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	Norland
O'Kane	Pavich	Rapp	Rosenberg
Spear	Sturgeon	Sullivan	Walter
Welsh			

The nays were, 60:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connors	Cook	Corey	Crabb
Daggett	De Groot	Diemer	Egenes
Gettings	Gross	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Johnson, J.
Johnson, W.	Lageschulte	Lonergan	Mann
Maulsby	McKean	Menke	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Woods	Mr. Speaker

Absent or not voting, 11:

Avenson	Baxter	Binneboese	Byerly
Chiodo	Danker	Johnson, R.	Lind
Miller	Mullins	Welden	

Amendment H—5127C lost.

Rapp of Black Hawk asked and received unanimous consent to withdraw amendment H—5127D.

Rapp of Black Hawk offered amendment H—5127E and moved its adoption.

A non-record roll call was requested.

The ayes were 54, nays 31.

Amendment H—5127E was adopted.

Schroeder of Pottawattamie offered amendment H—5120 filed by him as follows:

H—5120

- 1 Amend House File 2335 as follows:
- 2 1. Page 10, line 32, by inserting after the word
- 3 "sentencing" the words "and shall not become effective
- 4 until the general assembly approves said rules by
- 5 a house concurrent resolution or a senate concurrent
- 6 resolution approved by a constitutional majority of
- 7 each house."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5131, to amendment H—5120, filed by him from the floor.

The following amendment H—5133, to amendment H—5120, filed by Spear of Lee from the floor was adopted by unanimous consent:

H—5133

- 1 Amend amendment H—5120 to House File 2335,
- 2 as follows:
- 3 1. Page 1, line 3, by striking the word "and"
- 4 and inserting in lieu thereof the word "which".

Schroeder of Pottawattamie moved the adoption of amendment H—5120, as amended.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 42, nays 49.

Amendment H—5120, as amended, lost.

Doderer of Johnson asked and received unanimous consent to reconsider the vote by which amendment H—5106A, found on page 377 of the House Journal, was adopted by the House on February 12, 1982.

The following amendment H—5134, to amendment H—5106A, filed by Doderer of Johnson from the floor, was adopted by unanimous consent:

H—5134

- 1 Amend amendment H—5106 to House File 2335,
- 2 as follows:
- 3 1. Page 2, line 21, by striking the word
- 4 "determination" and inserting in lieu thereof the
- 5 word "determination".
- 6 2. Page 2, line 24, by striking the words
- 7 "Such bail", and inserting in lieu thereof the
- 8 following: "Such bail Bail".

Doderer of Johnson moved the adoption of amendment H—5106A, as amended.

Amendment H—5106A, as amended, was adopted.

(House File 2335 pending at adjournment.)

MOTION TO RECONSIDER

(Amendment H—5120 to House File 2335)

I move to reconsider the vote by which amendment H—5120 to House File 2335 failed to be adopted by the House on February 15, 1982.

SCHROEDER of Pottawattamie

INTRODUCTION OF BILLS

House File 2350, by committee on labor and industrial relations, a bill for an act relating to work requirements for general relief recipients and to the establishment of employment standards for local taxing districts.

Read first time and placed on the calendar.

House File 2351, by committee on ways and means, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks and open prairies and increasing the assessed value of fruit-tree and forest reservations.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 11, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 829, a bill for an act relating to the investigations, communications and reports of the citizens' aide office.

Also: That the Senate has on February 11, 1982, amended the House amendment, concurred in the House amendment as amended and passed the following bill in which the concurrence of the Senate was asked:

Senate File 399, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

Also: That the Senate has on February 11, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2132, a bill for an act to make the preparation of a code of ethics by the committee on ethics of each house of the general assembly a duty only during the first session of each general assembly.

K. MARIE THAYER, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 678 Judiciary and Law Enforcement

Relating to requirements for informed and voluntary consent of a woman for an abortion and to prescribe penalties.

S.B. 679 Agriculture

To change the sheep producers' representative on the agriculture marketing board.

PRESENTATION OF VISITORS

Trucano of Polk presented to the House, Beth Birmingham and Kelly Gee members of the fifth grade class of Oak Park Elementary School, Des Moines.

Renaud of Polk presented to the House, Cadet 4th Class, Mark Rydell, Air Force Academy, Colorado Springs, Colorado.

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

Twenty students from the Independence Community School District, Independence, accompanied by Tom Sheets. By Hummel of Benton and Miller of Buchanan.

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
Chief Clerk of the House

COMMITTEE ON ENERGY

Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5135.

AMENDMENTS FILED

H-5128	S.F. 2084	Bruner of Story
H-5129	H.F. 829	Senate Amendment
H-5130	S.F. 399	Senate Amendment
H-5132	H.F. 2335	Doderer of Johnson
		Ritsema of Sioux
		Poffenberger of Dallas

H-5135	S.F. 312
H-5136	H.F. 2336
H-5137	H.F. 2335
H-5138	H.F. 2335
H-5139	H.F. 2345
H-5140	H.F. 2340
H-5141	H.F. 2345
H-5142	H.F. 2340

Rosenberg of Story
Carpenter of Polk
Krewson of Polk
Committee on Energy
Shull of Warren
Spear of Lee
Poffenberger of Dallas
Lloyd-Jones of Johnson
Spear of Lee
Spear of Lee
Spear of Lee
Rosenberg of Story

On motion by Pope of Polk, the House adjourned at 11:46 a.m., until 9:00 a.m., Tuesday, February 16, 1982.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day—Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 16, 1982

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

Prayer was offered by the Reverend James Carpenter, pastor of the St. Olaf Lutheran Church, Bode.

The Journal of Monday, February 15, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pelton of Clinton, for the remainder of the week of February 15, 1982, on request of Krewson of Polk; Clark of Cerro Gordo, for the morning session, on request of Lloyd-Jones of Johnson.

INTRODUCTION OF BILL

House File 2352, by committee on energy, a bill for an act providing a residential energy credit against individual state income tax liability, effective upon publication retroactive to January 1, 1982.

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

SENATE MESSAGE CONSIDERED

Senate File 2132, by committee on ethics, a bill for an act to make the preparation of a code of ethics by the committee on ethics of each house of the general assembly a duty only during the first session of each general assembly.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2034, a bill for an act relating to state bank investment in bonds and notes issued by the Iowa family farm development authority.

Also: That the Senate has on February 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2024, a bill for an act exempting certain transfers of deeds between a family farm partnership and its partners from the real estate transfer tax.

Also: That the Senate has on February 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2335**, a bill for an act relating to the sentences of inmates committed to the custody of the director of the division of adult corrections.

Poffenberger of Dallas offered amendment H-5138 filed by Poffenberger and Lloyd-Jones as follows:

H-5138

- 1 Amend House File 2335 as follows:
- 2 1. Page 11, by inserting after line 12 the
- 3 following:
- 4 "5. The commission shall, on or before July 1,
- 5 1983, promulgate criteria for the early parole, release
- 6 or discharge of inmates in the state's prisons wherever
- 7 there is declared a prison overcrowding state of
- 8 emergency. The criteria for release shall be based
- 9 on reasonable offense and offender characteristics
- 10 and shall establish a priority of types of offenders
- 11 to be released or discharged if early parole, release
- 12 or discharge is authorized by law because of the state
- 13 of emergency. On and after July 1, 1984, the

14 commission shall have the authority to declare a
15 prison overcrowding state of emergency in the state's
16 penal or correctional facilities operated by the
17 division of corrections, whenever the population of
18 the prison system exceeds a limit to be determined
19 by the commission based on the capacity of the state's
20 penal or correctional facilities."

21 2. Page 12, by inserting after line 11 the
22 following:

23 "Sec. 21. Chapter 218, Code 1981, is amended by
24 adding the following new section:

25 **NEW SECTION. PRISON OVERCROWDING EMERGENCY.** Upon
26 the declaration of a prison overcrowding state of
27 emergency by the sentencing guidelines commission,
28 the board of parole shall consider all inmates, except
29 for inmates convicted of class A felonies whose terms
30 have not been commuted to a term of years, for parole
31 who are within nine months of their tentative discharge
32 date. If the board of parole's actions do not reduce
33 the population of the prison system below the limits
34 determined by the sentencing guidelines commission,
35 within ninety days of the date of the declaration
36 of the prison overcrowding state of emergency, the
37 tentative discharge dates of all inmates who meet
38 the criteria of the commission, shall be reduced by
39 ninety days by the director of the division of adult
40 corrections. The commission shall terminate a prison
41 overcrowding state of emergency in the state's prisons
42 whenever the population of the prison system is reduced
43 below the limit determined by the commission."

44 3. Page 28, by inserting after line 8 the
45 following:

46 "Sec. 21 takes effect July 1, 1984."

47 4. By renumbering to conform to this amendment.

The following amendment H-5145, to amendment H-5138,
filed by Poffenberger of Dallas from the floor was adopted by
unanimous consent:

H-5145

1 Amend amendment H-5138 to House File 2335,
2 as follows:

3 1. Page 1, line 13, by striking the figure
4 "1984" and inserting in lieu thereof the figure "1983".

Conlon of Muscatine rose on a point of order that amendment
H-5138 was not germane.

The Speaker ruled the point well taken and amendment
H-5138 not germane.

Poffenberger of Dallas offered the following amendment H—5124 filed by her and moved its adoption:

H—5124

- 1 Amend House File 2335 as follows:
- 2 1. Page 11, by striking line 14 and inserting in
- 3 lieu thereof the words "shall receive actual".
- 4 2. Page 11, line 16, by inserting after the figure
- 5 "18.117." the following: "In addition to the
- 6 reimbursement for expenses as provided for in this
- 7 section, members of the commission who are not officers
- 8 or employees of state or local government, shall
- 9 receive a per diem of forty dollars for each day in
- 10 which they are engaged in the performance of the
- 11 duties of the commission."

Amendment H—5124 was adopted.

Ritsema of Sioux offered the following amendment H—5103 filed by him and moved its adoption:

H—5103

- 1 Amend House File 2335 as follows:
- 2 1. Page 11, by striking line 17 and inserting
- 3 in lieu thereof the word "administrator".

A non-record roll call was requested.

The ayes were 17, nays 65.

Amendment H—5103 lost.

Doderer of Johnson asked and received unanimous consent to defer action on amendment H—5121.

Doderer of Johnson asked and received unanimous consent to defer action on amendment H—5118.

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—5070.

Halvorson of Clayton offered amendment H—5100 filed by Halvorson of Clayton, Conlon and Rapp as follows:

H—5100

1 Amend House File 2335 as follows:

2 1. Page 13, by inserting after line 2 the
3 following:

4 "Sec. . Section 245.20, Code 1981, is amended
5 to read as follows:

6 245.20 FEDERAL PRISONERS. Inmates sentenced for
7 any term by any court of the United States may be
8 received by the superintendent into the women's
9 reformatory for the custody of the director and there
10 kept in pursuance of their sentences. Inmates at the
11 women's reformatory- committed to the custody of the
12 director may also be transferred to the federal bureau
13 of prisons. If an inmate objects to her transfer
14 to the federal bureau of prisons, the inmate shall
15 be afforded a hearing as provided in section 217.22.

16 Sec. . Section 246.11, Code 1981, is amended
17 to read as follows:

18 246.11 FEDERAL PRISONERS. Inmates sentenced for
19 any term by any court of the United States may be
20 received by the warden into the penitentiary or the
21 men's reformatory for the custody of the director
22 and there kept in pursuance of their sentences.
23 Inmates at either the penitentiary or men's reformatory
24 committed to the custody of the director may also
25 be transferred to the federal bureau of prisons.
26 If an inmate objects to his transfer to the federal
27 bureau of prisons, the inmate shall be afforded a
28 hearing as provided in section 217.22."

29 2. Page 27, by inserting after line 33 the
30 following:

31 "Sec. . Section 217.22, Code 1981, is repealed."

32 3. Renumber as necessary.

Spear of Lee offered the following amendment H—5109, to
amendment H—5100, filed by him and moved its adoption:

H—5109

1 Amend amendment H—5100 to House File 2335, as
2 follows:

3 1. Page 1, by striking lines 13 through 15 and
4 inserting in lieu thereof the following: "of prisons.
5 If an inmate objects to her transfer to the federal
6 bureau of prisons, the inmate shall be afforded a
7 hearing as provided in section 217.22."

8 2. Page 1, by striking lines 26 through 31 and
9 inserting in lieu thereof the following: "If an inmate
10 objects to his transfer to the federal bureau of
11 prisons, the inmate shall be afforded a hearing as
12 provided in section 217.22." "

Amendment H—5109, to amendment H—5100, lost.

The House stood at ease at 9:55 a.m., until the fall of the gavel.

The House resumed session at 11:45 a.m., Speaker Stromer in the chair.

On motion by Pope of Polk, the House was recessed at 11:50 a.m. until 3:30 p.m.

(House File 2335 and amendment H—5100 pending at recess.)

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2024, by Vande Hoef, a bill for an act exempting certain transfers of deeds between a family farm partnership and its partners from the real estate transfer tax.

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

Senate File 2134, by committee on transportation, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle.

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

QUORUM CALL

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

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2335**, a bill for an act relating to the sentences of inmates committed to the custody of the director of the division of adult corrections, and amendment H—5100 found on page 410 of the House Journal.

Halvorson of Clayton offered the following amendment H—5150, to amendment H—5100, filed by Halvorson of Clayton, et al., from the floor and moved its adoption:

H—5150

1 Amend amendment H—5100 to House File 2335 as
2 follows:

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

5 "1. Page 7, line 10, by inserting after the number
6 "1" the following: ", only if the child was fifteen
7 years of age or older when the act was committed".

8 2. Page 10, by striking lines 14 through 16, and
9 inserting in lieu thereof the following: "commission
10 shall be submitted to the general assembly by January
11 1, 1984 and any amendments to the rules shall be
12 submitted each January 1 thereafter. The general
13 assembly shall by March 1 of each year, either approve
14 or disapprove the rules or amendments by a
15 constitutional majority of each house by a house
16 concurrent resolution or by a senate concurrent
17 resolution. Failure of both houses to disapprove,
18 or failure of either or both houses to act shall
19 constitute approval and adoption of the rules. The
20 adopted rules shall be".

21 3. Page 10, by inserting after line 29 the
22 following:

23 "The rules shall be designed to achieve the purposes
24 of this Act without increasing the medium security
25 and maximum security adult correctional populations
26 above the capacity of the state's medium security
27 and maximum security correctional institutions."

28 4. Page 10, line 32, by inserting after the word
29 "sentencing" the words "by the procedure provided
30 for in subsection 1 of this section".

31 5. Page 11, by inserting after line 12 the
32 following:

33 "5. The commission shall, on or before January
34 1, 1983, promulgate criteria for the early parole,
35 release or discharge of inmates in the state's prisons
36 wherever there is declared a prison overcrowding state
37 of emergency. The criteria for release shall be based

38 on reasonable offense and offender characteristics
39 and shall establish a priority of types of offenders
40 to be released or discharged if early parole, release
41 or discharge is authorized by law because of the state
42 of emergency. On and after July 1, 1983, the
43 commission shall have the authority to declare by
44 emergency rule a prison overcrowding state of emergency
45 in the state's penal or correctional facilities
46 operated by the division of corrections, whenever
47 the population of the prison system exceeds a limit
48 to be determined by the commission based on the
49 capacity of the state's penal or correctional
50 facilities and shall have the authority to implement

Page 2

- 1 procedures by emergency rule to alleviate the
- 2 overcrowding situation."
- 3 6. Page 12, line 25, by striking ":", and inserting
- 4 in lieu thereof the word "or".
- 5 7. Page 12, line 26, by striking the words "or
- 6 serious misdemeanor".
- 7 2. By renumbering to conform to this amendment.

Amendment H-5150, to amendment H-5100, was adopted.

Halvorson of Clayton moved the adoption of amendment H-5100, as amended.

Amendment H-5100, as amended, was adopted.

With the adoption of amendment H-5100, as amended, the following amendments are out of order:

H-5070 filed by Halvorson of Clayton, et al., on February 5, 1982.

H-5086, to amendment H-5070, filed by Spear of Lee on February 10, 1982.

H-5087 filed by Spear of Lee on February 10, 1982.

H-5121 filed by Doderer, et al., on February 12, 1982.

H-5122, to amendment H-5106, filed by Doderer, et al., on February 12, 1982.

H-5143 filed by Schroeder of Pottawattamie from the floor.

Byerly of Polk, asked and received unanimous consent to withdraw amendment H-5116 filed by him on February 12, 1982.

Ritsema of Sioux offered amendment H—5105E filed by him and found on page 383 of the House Journal and moved its adoption.

Amendment H—5105E was adopted.

Ritsema of Sioux asked and received unanimous consent to defer action on amendment H—5105F.

Conlon of Muscatine offered the following amendment H—5079 filed by Conlon, Rapp and Halvorson of Clayton and moved its adoption:

H—5079

- 1 Amend House File 2335 as follows:
- 2 1. By striking page 13, line 32 through page 14,
- 3 line 16.
- 4 2. Page 26, by striking lines 13 and 14, and
- 5 inserting in lieu thereof the following: "to
- 6 pronouncement of sentence, if the indictment or
- 7 information alleges one or more prior convictions".
- 8 3. By renumbering to conform to this amendment.

Amendment H—5079 was adopted.

With the adoption of amendment H—5079, amendment H—5105F was out of order.

Conlon of Muscatine offered amendment H—5097B, filed by him and found on pages 381 and 382 of the House Journal and moved its adoption.

Amendment H—5097B was adopted.

With the adoption of amendment H—5097B, amendment H—5105G was out of order.

Halvorson of Clayton offered amendment H—5106B, filed by Halvorson of Clayton, et al., and found on page 377 of the House Journal.

The following amendments were withdrawn by unanimous consent:

H—5101 filed by Ritsema of Sioux on February 11, 1982.

H—5102 filed by Doderer of Johnson on February 11, 1982.

H—5114 filed by Ritsema of Sioux on February 12, 1982.

H—5118 filed by Doderer of Johnson and Rosenberg of Story on February 12, 1982.

H—5132 filed by Doderer, et al., on February 15, 1982.

Halvorson of Clayton moved the adoption of amendment H—5106B.

Amendment H—5106B was adopted.

Poffenberger of Dallas asked and received unanimous consent to withdraw the motion to reconsider amendment H—5084, to House File 2335 filed by her, on February 12, 1982.

With the withdrawal of the motion to reconsider amendment H—5084 filed by Poffenberger of Dallas, amendment H—5137, to amendment H—5084, filed by Spear of Lee on February 15, 1982, was out of order.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H—5120, to House File 2335 filed by him, on February 15, 1982.

With the withdrawal of the motion to reconsider amendment H—5120 filed by Schroeder of Pottawattamie, the following amendment was out of order:

H—5146, to amendment H—5120, filed by Schroeder of Pottawattamie from the floor.

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

On the question "Shall the bill pass?" (H.F. 2335)

The ayes were, 94:

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

The nays were, 2:

Doderer Lloyd-Jones

Absent or not voting, 4:

Chiodo Johnson, R. Miller Pelton

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

HOUSE FILES 2113 AND 2341 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent to temporarily defer action on House Files 2113 and 2341.

CONSIDERATION OF BILLS Regular Calendar

House File 2344, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered amendment H-5119 filed by Rosenberg, Conlon and Rapp as follows:

H-5119

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, line 5, by striking the words "at the
- 3 place of an emergency or accident," and inserting in
- 4 lieu thereof the following: "at the place of an
- 5 emergency or accident,".
- 6 2. Page 1, line 6, by inserting after the word
- 7 "omissions" the following: "occurring at the place of
- 8 an emergency or accident or while the person is in
- 9 transit to or from the emergency or accident".

Conlon of Muscatine asked and received unanimous consent to defer action on House File 2344 and amendment H-5119 and that the bill retain its place on the calendar.

Ways and Means Calendar

Senate File 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 574)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson

Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chiodo	Johnson, R.	Miller	Pelton
Schroeder			

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

Regular Calendar

SENATE FILE 2126 SUBSTITUTED FOR HOUSE FILE 2332

Conlon of Muscatine asked and received unanimous consent to substitute Senate File 2126 for House File 2332.

Senate File 2126, a bill for an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in section 586.1, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2126)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.

Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petric	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Schroeder

Absent or not voting, 5:

Anderson, R.	Chiodo	Johnson, R.	Miller
Pelton			

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

House File 2067, a bill for an act to change the procedures relating to failure to renew a license issued by the board of accountancy, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2067)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall

Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Chiodo	Johnson, R.	Miller	Pelton
--------	-------------	--------	--------

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

HOUSE FILE 2332 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 2332 from further consideration by the House.

HOUSE FILE 2142 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2142 and that the bill retain its place on the calendar.

Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent to temporarily defer action on Senate File 490.

House File 2338, a bill for an act making appellate procedure in discretionary reviews, criminal appeals, postconviction relief appeals, and civil appeals more uniform and consistent, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2338)

The ayes were, 93:

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

The nays were, 1:

Schroeder

Absent or not voting, 6:

Chiodo	Connors	Johnson, R.	Krewson
Miller	Pelton		

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

The House resumed consideration of Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury.

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

On the question "Shall the bill pass?" (S.F. 490)

The ayes were, 93:

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

The nays were, 3:

Avenson	Menke	Tyrrell
---------	-------	---------

Absent or not voting, 4:

Chiodo	Johnson, R.	Miller	Pelton
--------	-------------	--------	--------

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

House File 2339, a bill for an act to prohibit bail following con-

viction of a forcible felony, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chiodo	Johnson, R.	Miller	Pelton
--------	-------------	--------	--------

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

House File 2345, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to defer action on amendment H—5141.

Spear of Lee offered the following amendment H—5139 filed by him and moved its adoption:

H—5139

- 1 Amend House File 2345 as follows:
- 2 1. Page 1, line 7, by striking the words "a parent
- 3 of the minor who is" and inserting in lieu thereof
- 4 the words "a the parent of the minor who is or other
- 5 person".
- 6 2. Page 1, line 23, by striking the word "having"
- 7 and inserting in lieu thereof the words "having
- 8 entitled to".

Amendment H—5139 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5123 filed by him on February 12, 1982.

Spear of Lee offered the following amendment H—5141 filed by him and moved its adoption:

H—5141

- 1 Amend House File 2345 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. Section 633.108, Code 1981, as amended
- 5 by Acts of the Sixty-ninth General Assembly, 1981
- 6 Session, chapter 193, section 1, is amended to read
- 7 as follows:
- 8 633.108 SMALL LEGACIES TO MINORS—PAYMENT.
- 9 Whenever a minor becomes entitled under the terms
- 10 of a will to a bequest or legacy, to a share of the
- 11 estate of an intestate, or to a beneficial interest
- 12 in a trust fund upon the distribution of the trust
- 13 fund, and the value of the bequest, legacy, share,
- 14 or interest does not exceed the sum of four thousand
- 15 dollars, and a conservator for the minor has not been

- 16 appointed, the court having jurisdiction of the
 17 distribution of the funds may, in its discretion,
 18 upon the application of the fiduciary, enter an order
 19 authorizing the fiduciary to pay the bequest, legacy,
 20 share or interest to the parents of the minor, or
 21 to the person with whom the minor resides parent or
 22 other person entitled to the custody of the minor,
 23 for the use of the minor. The receipt of the person
 24 or persons therefor, when presented to the court or
 25 filed with the report of distribution of the fiduciary,
 26 shall have the same force and effect as though the
 27 payment had been made to a duly appointed and qualified
 28 conservator for the minor."
 29 2. By renumbering sections as necessary.

Amendment H—5141 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2345)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chiodo

Johnson, R.

Miller

Pelton

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

Ways and Means Calendar

Senate File 217, a bill for an act to provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value, with report of committee recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H—5094 filed by the committee on ways and means and moved its adoption:

H—5094

1 Amend Senate File 217 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 12, by inserting after the word
4 "alone" the words "which is secured by the property
5 being transferred and which is not greater than the
6 fair market value of the property being transferred".

7 2. Page 2, by inserting after line 13 the
8 following:

9 "Sec. . Section 428A.2, subsection 15, Code
10 1981, is amended to read as follows:

11 15. Deeds between a family corporation, partner-
12 ship, or limited partnership and its stockholders
13 or partners for the purpose of transferring real
14 property in an incorporation or corporate dissolution
15 or the organization or dissolution of a partnership
16 or limited partnership under the laws of this state,
17 where the deeds are given for no actual consideration
18 other than for shares of stock or for debt securities
19 of the corporation, partnership, or limited
20 partnership. For purposes of this subsection a family
21 corporation, partnership, or limited partnership is
22 a corporation, partnership, or limited partnership
23 where the majority of the voting stock of the
24 corporation, or of the ownership shares of the
25 partnership or limited partnership is held by and
26 the majority of the stockholders or partners are
27 persons related to each other as spouse, parent,
28 grandparent, lineal ascendants of grandparents or
29 their spouses and other lineal descendants of the
30 grandparents or their spouses, or persons acting in
31 a fiduciary capacity for persons so related and where
32 all of its stockholders or partners are natural persons

- 33 or persons acting in a fiduciary capacity for the
 34 benefit of natural persons."

The committee amendment H—5094 was adopted.

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

Under the provisions of Rule 81, Bennett of Ida refrained from voting.

On the question "Shall the bill pass?" (S.F. 217)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Bennett	Chiodo	Johnson, R.	Miller
Pelton			

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

Regular Calendar

House File 2337, a bill for an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2337)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chiodo	Johnson, R.	Miller	Pelton
--------	-------------	--------	--------

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

House File 2347, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus

Budget Reconciliation Act of 1981 and requested by the federal department of labor, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2347)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chiodo	Johnson, R.	Miller	Pelton
--------	-------------	--------	--------

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

SENATE AMENDMENT CONSIDERED

House Concurs

Renken of Grundy called up for consideration **Senate File 474**, a bill for an act relating to the tort liability of governmental subdivisions, amended by the House, further amended by the Senate and

moved that the House concur in the Senate amendment H—5015, to the House amendment S—3904, as follows:

H—5015

- 1 Amend the House amendment, S—3904, to Senate File
- 2 474 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking lines 8 through 14.

The motion prevailed and the House concurred in the Senate amendment H—5015, to the House amendment S—3904.

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

On the question "Shall the bill pass?" (S.F. 474)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Johnson, W.	Knapp	Krewson	Lageschulte
Lloyd-Jones	Mann	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pellett	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Schnekloth	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Weiden
Welsh	Woods	Mr. Speaker	

The nays were, 8:

Jay	Lind	Lonergan	O'Kane
Pavich	Rapp	Running	Tofte

Absent or not voting, 5:

Chiodo
Schroeder

Johnson, R.

Miller

Pelton

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

SENATE FILE 312 REREFERRED

The Speaker announced that Senate File 312, previously referred to **regular calendar** is rereferred to committee on **ways and means**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16th day of February, 1982: House Files 210, 444, 797, 856 and 2112.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITOR

Mullins of Kossuth presented to the House, Anne Marie Horneman, Foreign Exchange Student from Denmark. She is staying with the Reverend and Mrs. James Carpenter of Bode.

COMMUNICATION RECEIVED

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

DEPARTMENT OF TRANSPORTATION

An Annual Report of Highway Research and Development in Iowa, pursuant to Section 310.36, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 680 Judiciary and Law Enforcement**

Relating to designation of attorney.

S.B. 681 State Government

Relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

S.B. 682 State Government

Relating to the Iowa housing finance authority, effective upon publication.

S.B. 683 State Government

Relating to the duties of the office for planning and programming.

S.B. 684 Natural Resources

Relating to the identification of the location of wells.

S.B. 685 Ways and Means

Relating to the allocation and apportionment of net income for purposes of the state corporate income tax.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 536, as amended), relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 538, as amended), relating to providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 539, as amended), relating to establishing a regulatory information service in the Iowa development commission.

Fiscal note is not required.

Recommended Do Pass.

COMMITTEE ON HUMAN RESOURCES

Senate File 2021, a bill for an act limiting the issuance of handicapped identification devices to handicapped persons and certain government agencies and private organizations.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2154, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2079, as amended), relating to the revocation of a drivers license of a person ordered to complete a school for drinking drivers.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest even whole dollar the property tax bill for each property taxpayer.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5147.

Senate File 2080, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 118, as amended), relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes effective January 1 following enactment for returns due on or after January 1 following enactment.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5147	S.F. 558	Committee on Ways and Means
H-5148	H.F. 2336	Van Maanen of Mahaska
		Hansen of O'Brien
H-5149	H.F. 2336	Van Maanen of Mahaska
H-5151	H.F. 2344	Spear of Lee
H-5152	H.F. 2344	Spear of Lee
H-5153	H.F. 2349	Poffenberger of Dallas
H-5154	H.F. 2348	Spear of Lee
H-5155	H.F. 2344	Schroeder of Pottawattamie
H-5156	H.F. 2341	Doderer of Johnson
		Harbor of Mills
H-5157	H.F. 2346	Doderer of Johnson
		Gross of Ringgold
H-5158	H.F. 2336	Connolly of Dubuque
H-5159	H.F. 2336	Connolly of Dubuque
H-5160	H.F. 2348	Hoffmann-Bright of Muscatine
		Swearingen of Keokuk
		Doderer of Johnson
H-5161	H.F. 2142	Schroeder of Pottawattamie
		Harbor of Mills
H-5162	H.F. 2348	Ritsema of Sioux

On motion by Pope of Polk, the House adjourned at 5:38 p.m., until 9:00 a.m., Wednesday, February 17, 1982.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day—Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 17, 1982

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

Prayer was offered by the Reverend Charles Hunt, Administrative Director of the Three Crosses Boys' Ranch, Strawberry Point.

The Journal of Tuesday, February 16, 1982 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 15, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2086, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission.

K. MARIE THAYER, Secretary

On motion by Pope of Polk, the House was recessed at 9:20 a.m. until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo on request of Mullins of Kossuth.

INTRODUCTION OF BILLS

House File 2353, by committee on commerce, a bill for an act to establish a regulatory information service in the Iowa development commission.

Read first time and placed on the calendar.

House File 2354, by committee on commerce, a bill for an act relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years.

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

House File 2355, by committee on labor and industrial relations, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to non-exempt employees is less than two thousand five hundred dollars.

Read first time and placed on the calendar.

House File 2356, by committee on commerce, a bill for an act providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided.

Read first time and placed on the calendar.

House File 2357, by committee on cities, a bill for an act to establish an Iowa advisory commission on intergovernmental relations.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 2086, by Waldstein and Holden, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission.

Read first time and referred to committee on commerce.

CONSIDERATION OF BILLS

Regular Calendar

House File 2341, a bill for an act relating to establishing a state employee suggestion system, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered amendment H—5156 filed by Doderer and Harbor as follows:

H—5156

- 1 Amend House File 2341 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "submitted." the following: "The rules shall provide
- 4 that suggestions relating to academic affairs,
- 5 including teaching, research, and patient care programs
- 6 at a university teaching hospital are ineligible."
- 7 2. Page 1, line 21, by inserting after the word
- 8 "system" the words "and providing that the final
- 9 decision to implement shall be made by the director
- 10 of the agency".
- 11 3. Page 2, line 11, by inserting after the word
- 12 "regulation" the words ", or impair any agency
- 13 contractual obligation".
- 14 4. Page 3, by inserting after line 2 the following:
- 15 "9. The ability of employees to patent ideas
- 16 submitted under this section is subject to all other
- 17 agency rules and Code requirements pertaining to
- 18 patents."
- 19 5. By renumbering subsections to conform to this
- 20 amendment.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5165 filed by him from the floor.

Mann of Greene requested division of amendment H—5156 as follows:

Lines 2 through 6, division A.

Lines 7 through 20, division B.

Harbor of Mills moved the adoption of amendment H—5156A.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 55, nays 43.

Amendment H—5156A was adopted.

Harbor of Mills moved the adoption of amendment H—5156B.

A non-record roll call was requested.

The ayes were 62, nays 33.

Amendment H—5156B was adopted.

Hoffmann-Bright of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2341)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Corey	Crabb
Daggett	Danker	Davitt	Dieleman
Diemer	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lorgan	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 14:

Branstad	Clements	Cook	De Groot
Egenes	Gross	Hanson, D.	Mann
Maulsby	McKean	Renken	Ritsema
Smalley	Welden		

Absent or not voting, 2:

Clark, B. J. Miller

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

SENATE FILE 2084 SUBSTITUTED FOR HOUSE FILE 2113

Hanson of Delaware asked and received unanimous consent to substitute Senate File 2084 for House File 2113.

Senate File 2084, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election, was taken up for consideration.

Hanson of Delaware offered amendment H-5126 filed by Hanson of Delaware, et al., as follows:

H-5126

- 1 Amend Senate File 2084 as follows:
- 2 1. Page 4, by inserting after line 10 the
- 3 following:
- 4 "Sec. . Acts of the Sixty-ninth General
- 5 Assembly, Second Extraordinary 1981 Session, chapter
- 6 1, section 4, subsection 2, is amended to read as
- 7 follows:
- 8 2. Each odd-numbered senatorial district
- 9 established by section 41.2, which the general assembly
- 10 adopts by reference, and section 2 of this Act shall
- 11 elect a senator in 1982 for a four-year term commencing
- 12 in January, 1983. If an incumbent senator who was
- 13 elected to a four-year term which commenced in January,
- 14 1981, or was subsequently elected to fill a vacancy
- 15 in such a term, is residing in the geographic area
- 16 of an odd-numbered senatorial district on April 2,
- 17 1982 September 16, 1981, that senator's term of office
- 18 shall be terminated on January 1, 1983.
- 19 Sec. . Acts of the Sixty-ninth General Assembly,
- 20 Second Extraordinary 1981 Session, chapter 1, section

21 4, subsection 3, paragraph a, is amended to read as
22 follows:

23 a. If one and only one incumbent state senator
24 is residing in the geographic area of an even-numbered
25 senatorial district on April 2, 1982 September 16,
26 1981, and that senator was elected to a four-year
27 term which commenced in January, 1981 or was
28 subsequently elected to fill a vacancy in such a term,
29 the senator shall represent the district in the senate
30 for the Seventieth General Assembly.

31 Sec. . Section 42.4, subsection 8, Code 1981,
32 is amended by adding the following new paragraph:
33 NEW PARAGRAPH. Paragraphs a and b do not apply
34 to amendments adopted in the year 1982."

35 2. Page 4, line 15, by inserting after the word
36 "Iowa" the words "and is retroactive to September
37 16, 1981".

38 3. By renumbering as necessary.

Bruner of Story offered the following amendment H-5128, to
amendment H-5126, filed by him and moved its adoption.

H-5128

1 Amend amendment H-5126 to Senate File 2084 as
2 follows:

3 1. Page 1, by striking lines 4 through 18.

4 2. Page 1, line 24, by striking the words
5 "the geographic area of".

6 3. Page 1, line 25, by striking the words
7 April 2, 1982 September 16, and inserting the
8 words "April 2, 1982".

9 4. Page 1, line 26, by striking the number
10 "1981".

11 5. Page 1, by inserting after the period on
12 line 30 the following new sentence: "The
13 secretary of state shall determine, by March 14,
14 1982, the residence of all incumbent state senators
15 on April 2, 1982, and shall present to the governor
16 and the general assembly on March 15 a list of the
17 senators and the senate seats for which there will
18 be no election for senate for the Seventieth
19 General Assembly."

20 6. Page 1, by striking lines 31 through 37.

Amendment H-5128 lost.

Schroeder of Pottawattamie rose on a point of order that amend-
ment H-5126 was not germane.

The Speaker ruled the point well taken and amendment H-5126 not germane.

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

On the question "Shall the bill pass?" (S.F. 2084)

The ayes were, 75:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Groth
Halvorson, R. A.	Hansen, I.	Harbor	Hoffmann-Bright
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Knapp	Krewson
Lloyd-Jones	Loneran	Menke	Mullins
Norland	O'Kane	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Rosenberg	Schroeder	Shull	Smith
Spear	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Mr. Speaker	

The nays were, 23:

Anderson, J.	Byerly	Gross	Hall
Halvorson, R. N.	Hanson, D.	Holt	Johnson, J.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	McKean	Oxley	Ritsema
Running	Schneklath	Smalley	Stueland
Tofte	Welden	Woods	

Absent or not voting, 2:

Clark, B. J. Miller

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

HOUSE FILE 2113 WITHDRAWN

Swearingen of Keokuk asked and received unanimous consent to withdraw House File 2113 from further consideration by the House.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 115

Pope of Polk called up for consideration House Concurrent Resolution 115, relating to a joint convention inviting the Chief Justice to present his Condition of the Judicial Department message filed on February 11, 1982 and found on page 371 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

**MOTION TO RECONSIDER
(Senate File 490)**

I move to reconsider the vote by which Senate File 490 passed the House on February 16, 1982.

SMALLEY of Polk

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, February 16, 1982. Had I been present, I would have voted "aye" on House Files 2067, 2335, 2337, 2338, 2339, 2345, 2347 and Senate Files 217, 474, 490, 574 and 2126.

JOHNSON of Linn

PRESENTATION OF VISITORS

Danker of Pottawattamie presented to the House, the Honorable William E. Darrington, former member of the House, representing Harrison County.

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

Ten government students from Valley High School, West Des Moines, accompanied by Barbara Colvig and Sam Bernabe. By Carpenter and Krewson of Polk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 686 Judiciary and Law Enforcement

Relating to specifying penalties for the violation of chapter 321.

S.B. 687 Commerce

Providing the Iowa Insurance Guaranty Association early access to assets of an insolvent insurer.

S.B. 688 Judiciary and Law Enforcement

Making it a simple misdemeanor for a person under legal age to enter a state liquor store without an adult.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 607), relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2130), relating to the authority of the state board of public instruction over a school district not maintaining twelve grades.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Committee Bill (Formerly Study Bill 670, as amended), to exempt from the

workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON STATE GOVERNMENT

Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5163	H.F. 2336	Van Maanen of Mahaska
H-5164	H.F. 2336	Van Maanen of Mahaska
H-5166	H.F. 2344	Renaud of Polk
H-5167	H.F. 2336	Van Maanen of Mahaska
		Welden of Hardin
H-5168	S.F. 537	Spear of Lee
H-5169	S.F. 24	Spear of Lee
H-5170	H.F. 2130	Spear of Lee
H-5171	S.F. 537	Spear of Lee
		Clements of Scott
H-5172	H.F. 2336	De Groot of Lyon
Gross of Ringgold		Spear of Lee
Bennett of Ida		Carpenter of Polk
Lonergan of Boone		Norland of Worth
Sturgeon of Woodbury		Maulsby of Calhoun
		Doderer of Johnson
H-5173	H.F. 2344	Renaud of Polk
		Rosenberg of Story
		Conlon of Muscatine
H-5175	H.F. 2336	Krewson of Polk

On motion by Pope of Polk, the House adjourned at 5:45 p.m., until 9:00 a.m., Thursday, February 18, 1982.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 18, 1982

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

Prayer was offered by Father Phillip Schmidt, pastor of the Holy Trinity Roman Catholic Church, Walford.

The Journal of Wednesday, February 17, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Stilley, Des Moines.

IMMEDIATE MESSAGE (House Concurrent Resolution 115)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 115 be immediately messaged to the Senate.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 10:03 a.m., Speaker Stromer in the chair.

On motion by Pope of Polk, the House was recessed until 3:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story, for the afternoon session, on request of Clark of Lee.

INTRODUCTION OF BILLS

House File 2358, by committee on commerce, a bill for an act relating to the regulation of insurance companies.

Read first time and placed on the calendar.

House File 2359, by committee on judiciary and law enforcement, a bill for an act making records of court ordered support payments public records.

Read first time and placed on the calendar.

HOUSE FILE 815 WITHDRAWN

Ritsema of Sioux asked and received unanimous consent to withdraw House File 815 from further consideration by the House.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2336, a bill for an act relating to 1981-1982 supplemental appropriations and provisions affecting the expenditure of funds, with report of committee recommending passage was taken up for consideration.

The following amendment H-5180, filed by Welden of Hardin from the floor, was adopted by unanimous consent:

H-5180

- 1 Amend House File 2336 as follows:
- 2 1. Page 11, line 17, by inserting after the word
- 3 "much" the word "thereof".

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H-5159, filed by him on February 16, 1982.

De Groot of Lyon offered the following amendment H-5172 filed by De Groot, et al., and moved its adoption:

H-5172

- 1 Amend House File 2336 to read as follows:
- 2 1. Page 2, by inserting after line 8 the following:

3 "Sec. . There is appropriated from the general
4 fund of the state for the fiscal year beginning July
5 1, 1981, and ending June 30, 1982, to the state board
6 of regents for the specialized child health services
7 program at the university of Iowa hospitals, six
8 thousand seventy-five (6,075) dollars, or so much
9 thereof as is necessary, to be used to replace the
10 loss of federal funds to the phenylketonuria program.
11 The funds appropriated in this section shall only
12 be used to cover the cost of lofenalac required for
13 treatment of phenylketonuria."

Amendment H—5172 was adopted.

Van Maanen of Mahaska offered the following amendment
H—5167, filed by Van Maanen and Welden and moved its adoption:

H—5167

1 Amend House File 2336 as follows:
2 1. Page 5, line 22, by inserting after the word
3 and figure "subsection 8" the following: ", provided
4 that the funds appropriated for home-based services
5 under this subsection and Acts of the Sixty-ninth
6 General Assembly, 1981 Session, chapter 7, section
7 3, subsection 8, for the fiscal year beginning July
8 1, 1981, and ending June 30, 1982, may be used only
9 for home-based services and shall not be transferred
10 or used for any other purposes, notwithstanding section
11 8.39".

Amendment H—5167 was adopted.

Van Maanen of Mahaska offered the following amendment
H—5164, filed by him and moved its adoption:

H—5164

1 Amend House File 2336 as follows:
2 1. Page 5, line 33, by striking the figure "16"
3 and inserting in lieu thereof the figure "14".

Amendment H—5164 was adopted.

Shull of Warren offered the following amendment H—5136, filed by him and moved its adoption:

H—5136

- 1 Amend House File 2336 as follows:
- 2 1. By striking page 6, line 33 through page 7, line
- 3 5, and inserting in lieu thereof the following: "General
- 4 Assembly, 1981 Session, chapter 7, section 2."

A non-record roll call was requested.

The ayes were 29, nays 62.

Amendment H—5136 lost.

Van Maanen of Mahaska offered amendment H—5148, filed by Van Maanen and Hansen of O'Brien as follows:

H—5148

- 1 Amend House File 2336 to read as follows:
- 2 1. Page 7, lines 9 and 10, by striking the words
- 3 and figure "nine million six hundred seventy-five
- 4 thousand (9,675,000)" and inserting in lieu thereof
- 5 the words and figure "nine million seven hundred
- 6 thirty-five thousand (9,735,000)".
- 7 2. Page 8, line 24, by inserting after the word
- 8 "drugs" the words "or to inpatient hospital
- 9 reimbursements".

Hansen of O'Brien offered the following amendment H—5179, to amendment H—5148, filed by Hansen of O'Brien and Van Maanen from the floor, and moved its adoption:

H—5179

- 1 Amend amendment H—5148 to page 7 of House File
- 2 2336 as follows:
- 3 1. Page 1, line 8, by striking the word
- 4 "inpatient".

Amendment H—5179, to amendment H—5148, was adopted.

Van Maanen of Mahaska moved the adoption of amendment H—5148, as amended.

Amendment H—5148, as amended, was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H—5175 filed by him on February 17, 1982.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—5158 filed by him on February 16, 1982.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—5149 filed by him on February 16, 1982.

Van Maanen of Mahaska offered the following amendment H—5163 filed by him and moved its adoption:

H—5163

- 1 Amend House File 2336 as follows:
- 2 1. Page 10, by inserting after line 33, the
- 3 following:
- 4 "Sec. Notwithstanding section 252B.4, if
- 5 federal law or regulation requires the imposition
- 6 of a fee on an individual who owes a support obligation
- 7 for the support collection services provided under
- 8 chapter 252B to a resident parent not otherwise
- 9 eligible as a public assistance recipient, the
- 10 commissioner of the department of social services
- 11 shall charge the individual the fee required by federal
- 12 law or regulation which may be in addition to the
- 13 actual amount of support owed by the individual."
- 14 2. By renumbering as necessary.

Amendment H—5163 was adopted.

Welden of Hardin asked and received unanimous consent to suspend the rules for the consideration of the following amendment H—5178, filed by Welden and Pope from the floor and moved its adoption:

H—5178

- 1 Amend House File 2336 as follows:
- 2 1. By striking page 2, line 32, through page 3,
- 3 line 16.
- 4 2. By renumbering as necessary.

Amendment H—5178 was adopted.

The following amendment H—5185, filed by Van Maanen of Mahaska from the floor, was adopted by unanimous consent:

H—5185

- 1 Amend House File 2336, as follows:
- 2 1. Title Page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following:
- 4 "An Act relating to adjustments to appropriations
- 5 for the 1981-1983 fiscal period, including provisions
- 6 affecting the expenditure of funds and reversions
- 7 and certain fees."

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

On the question "Shall the bill pass?" (H.F. 2336)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Doderer
Woods

Egenes

Miller

O'Kane

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

Regular Calendar

The House resumed consideration of **House File 2344**, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance, and amendment H-5119, filed by Rosenberg, Conlon and Rapp and found on page 417 of the House Journal.

Schroeder of Pottawattamie offered the following amendment H-5155, to amendment H-5119, filed by him and moved its adoption:

H-5155

- 1 Amend amendment H-5119 to House File 2344 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "accident", the words "or while the person is at or
- 4 being moved to or from an emergency shelter".

A non-record roll call was requested.

The ayes were 50, nays 30.

Amendment H-5155, to amendment H-5119, was adopted.

Spear of Lee offered the following amendment H-5152, to amendment H-5119, filed by him and moved its adoption:

H-5152

- 1 Amend amendment H-5119 to House File 2344 as follows:
- 2 1. Page 1, by inserting after line 9 the following:
- 3 " . Page 1, line 12, by inserting after the word
- 4 "compensation." the following: "Damages caused by the
- 5 operation of a motor vehicle are subject to this section,
- 6 if the motor vehicle is operated in compliance with
- 7 section 321.231." "

A non-record roll call was requested.

The ayes were 59, nays 32.

Amendment H-5152, to amendment H-5119, was adopted.

Renaud of Polk asked and received unanimous consent to withdraw amendment H—5173 filed by him on February 17, 1982.

Rosenberg of Story moved the adoption of amendment H—5119, as amended.

A non-record roll call was requested.

The ayes were 53, nays 38.

Amendment H—5119, as amended, was adopted.

With the adoption of amendment H—5119, as amended, amendment H—5151 filed by Spear of Lee on February 16, 1982 was out of order.

Renaud of Polk offered the following amendment H—5166 filed by him and moved its adoption:

H—5166

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, line 9, by inserting after the
- 3 word "operator" the words "or attendant".

Amendment H—5166 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Kane of Woodbury on request of Anderson of Jasper.

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

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 90:

Anderson, J.
Baxter
Branstad
Carpenter

Anderson, R.
Bennett
Bruner
Chiodo

Arnould
Binneboese
Byerly
Clark, B. J.

Avenson
Brandt
Carl
Clark, J. H.

Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Mr. Speaker		

The nays were, 6:

Hummel	Lind	Pelton	Schneklath
Schroeder	Welden		

Absent or not voting, 4:

Egenes	Miller	O'Kane	Woods
--------	--------	--------	-------

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

House File 2348, a bill for an act to permit the board of podiatry examiners to issue a temporary certificate to practice podiatry, with report of committee recommending passage was taken up for consideration.

Hoffmann-Bright of Muscatine offered the following amendment H—5160 filed by her and moved its adoption:

H—5160

- 1 Amend House File 2348 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "certificate" the words "to an academic staff member
- 4 of a podiatry school in this state".
- 5 2. Page 2, by striking lines 2 through 5 and inserting
- 6 in lieu thereof the following: "A temporary certificate
- 7 issued under this section".

Amendment H—5160 was adopted.

Ritsema of Sioux offered the following amendment H—5162 filed by him and requested division as follows:

H—5162

1 Amend House File 2348 as follows:

H—5162A

2 1. Page 1, line 5, by inserting after the
3 words "practice podiatry" the words "under the
4 supervision of a regular permanently licensed
5 podiatrist".

H—5162B

6 2. Page 1, line 6, by striking the word
7 "qualifications" and inserting in lieu thereof the
8 word "qualifications".

H—5162A

9 3. Page 1, line 13, by striking the word "this"
10 and inserting in lieu thereof the words "the first
11 year of the".

H—5162C

12 4. Page 1, by striking the lines 20 through 22, and
13 inserting in lieu thereof the words "and may not be
14 renewed. The fee for this certificate shall".

Ritsema of Sioux asked and received unanimous consent to withdraw amendment H—5162A.

Ritsema of Sioux moved the adoption of amendment H—5162B.

Amendment H—5162B was adopted.

Ritsema of Sioux moved the adoption of amendment H—5162C.

Amendment H—5162C lost.

Spear of Lee offered the following amendment H—5154 filed by him and moved its adoption:

H-5154

- 1 Amend House File 2348 as follows:
- 2 1. Page 1, by striking line 25 and inserting
- 3 in lieu thereof the words "examiners. The fees
- 4 shall be based on the costs of sustaining the board
- 5 and the actual".

A non-record roll call was requested.

The ayes were 19, nays 62.

Amendment H-5154 lost.

Hoffmann-Bright of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2348)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poney	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Walter	Welsh
Mr. Speaker			

The nays were, 7:

Hummel	Lind	Pelton	Schneklath
Schroeder	Van Maanen	Weiden	

Absent or not voting, 4:

Egenes

Miller

O'Kane

Woods

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

HOUSE FILE 420 WITHDRAWN

Byerly of Polk asked and received unanimous consent to withdraw House File 420 from further consideration by the House.

HOUSE FILE 2093 WITHDRAWN

Groth of Buena Vista asked and received unanimous consent to withdraw House File 2093 from further consideration by the House.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 18, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 210, an act authorizing a city or county to issue revenue bonds to finance the acquisition of land, buildings, or improvements to be used by or for fairs or expositions.

House File 444, an act relating to the payment of state aid for pupils previously enrolled in a laboratory school.

House File 856, an act to legalize the proceedings of the city council of Chariton relating to the construction of certain buildings.

House File 2112, an act permitting school districts to combine the position of secretary and treasurer.

Senate File 322, an act prohibiting certain uses of licenses issued by the State Conservation Commission and providing a penalty.

PRESENTATION OF VISITOR

Conlon of Muscatine presented to the House the Honorable Ernest W. Gilson, former member of the House, representing Guthrie County.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 689 Human Resources**

Exempting certain family day care homes.

S.B. 690 Natural Resources

To provide for the interest and earnings of the state fish and game protection fund.

S.B. 691 Judiciary and Law Enforcement

To provide that traffic violation proceedings by the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act.

S.B. 692 Energy

Relating to the continuation of the activities and functions of the energy policy council and changing the date of the submission of the council's required report.

S.B. 693 Agriculture

To limit the maximum price of seed corn to fifteen times the market price of corn at the Chicago cash corn market, making a penalty applicable.

S.B. 694 Judiciary and Law Enforcement

To require that reports of induced terminations of pregnancies be filed with the state department of health.

S.B. 695 Energy

Providing city and county governments with the authority to levy a property tax for energy conservation improvements.

S.B. 696 Education

To add purchases of school transportation equipment to the authorized uses for the moneys collected under the tax levy authorized in section 297.5.

S.B. 697' County Government

Relating to the disposition of fines and forfeited bail for violations of county ordinances.

S.B. 698 County Government

Relating to certain powers and duties of the board of supervisors.

S.B. 699 Judiciary and Law Enforcement

Relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 518), relating to the regulation of insurance companies.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON HUMAN RESOURCES

Senate File 24, a bill for an act relating to the requirement that plans and specifications for new health care facilities and remodeling of or additions to existing health care facilities be submitted to the department of health for preliminary inspection and approval or recommendations and that the department either waive or pay the costs to correct any deficiencies which were not noted by the department in the plans or specifications.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 647, as amended), to exempt wilderness campsites from the requirements of the department of health to furnish water, garbage, and sewage disposal facilities.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2076, as amended), relating to the access of a spouse to the medical records of a mental health patient.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 2280), adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 517, as amended), relating to substance abuse commitment procedures including allegations in a petition for involuntary commitment of substance abusers, and appointment of an attorney for a petitioner to present evidence at a substance abuse hearing.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 620, as amended), providing that the intentional use of a vehicle in a manner that threatens serious injury to a person who is in a building, another vehicle, or an assembly of persons, is terrorism.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 623, as amended), broadening the definition of "escape from custody" offenses.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 626, as amended), providing procedures to ensure the same degree of confidentiality when an order for nontestimonial identification procedures is obtained pursuant to chapter 810, the Code, as applies when a county attorney's subpoena is issued for investigative purposes pursuant to Rules of Criminal Procedure 5(6).

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 653, as amended), to allow husband or wife to be a witness against the other as to events or conversations occurring before the marriage.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 654), to legalize the proceedings of the Oskaloosa community school district relating to a sale of land.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 664), relating to theft of a motor vehicle and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 563, as amended), relating to a user fee for certain state lands under the jurisdiction of the conservation commission and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 541, as amended), relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, the provision excluding the tax as part of the basic cost of cigarettes, and repealing the one-time inventory tax refund.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 652, as amended), relating to creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5176	H.F. 2340	Spear of Lee
H-5177	S.F. 537	Spear of Lee
H-5181	H.F. 2218	Trucano of Polk
H-5182	S.F. 490	Smalley of Polk
H-5184	H.F. 2059	Bennett of Ida
		Harbor of Mills
H-5186	H.F. 2142	Spear of Lee
H-5187	H.F. 2351	Branstad of Winnebago
H-5188	H.F. 2218	Corey of Louisa
H-5189	H.F. 2218	Corey of Louisa
H-5190	H.F. 2218	Smalley of Polk
H-5191	H.F. 2218	Smalley of Polk
H-5192	H.F. 2218	Horn of Linn
		Lind of Black Hawk
H-5193	H.F. 2142	Spear of Lee
H-5194	H.F. 2351	Hanson of Delaware
		Branstad of Winnebago
		Renken of Grundy
		McKean of Jones
		Hall of Linn
H-5195	H.F. 2218	Corey of Louisa
		Carpenter of Polk
		Brandt of Black Hawk
H-5196	H.F. 2351	Pellett of Cass
H-5197	H.F. 2218	Smalley of Polk

H—5198	H.F. 2218	Horn of Linn Running of Linn Trucano of Polk
H—5199	H.F. 2218	Running of Linn Baxter of Des Moines Trucano of Polk

On motion by Pope of Polk, the House adjourned at 5:51 p.m., until 9:00 a.m., Friday, February 19, 1982.

JOURNAL OF THE HOUSE

Fortieth Calendar Day—Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 19, 1982

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

Prayer was offered by the Senator from Pottawattamie County, Jack Hester.

The Journal of Thursday, February 18, 1982 was approved.

PETITION FILED

The following petition was received and placed on file:

By Connors of Polk, from sixty-four constituents favoring amending the Juvenile Justice Code.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story on request of Clark of Lee; O'Kane of Woodbury on request of Anderson of Jasper; Clements of Scott on request of Daggett of Taylor.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 115, providing for a joint convention of the legislature for the condition of the judicial department message.

Also: That the Senate has on February 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2097, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2080, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983, with report of committee recommending passage was taken up for consideration.

Bennett of Ida in the chair at 9:14 a.m.

The House stood at ease at 9:20 a.m., until the fall of the gavel.

The House resumed session at 10:25 a.m., Speaker pro-tempore Menke of O'Brien in the chair.

QUORUM CALL

Roll call was requested by Anderson of Jasper and Cochran of Webster to determine that a quorum was present.

Present, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Patrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon

Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Mr. Speaker (Menke)	

Absent, 5:

Clements	Egenes	Miller	O'Kane
Woods			

The House stood at ease at 10:55 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Speaker pro-tempore Menke in the chair.

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. 2080)

The ayes were, 86:

Anderson, J.	Anderson, R.	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	Oxley
Pellett	Pelton	Petrick	Poffenberger
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Mr. Speaker (Menke)		

The nays were, 10:

Arnould
Gettings
Running

Byerly
Jochum
Woods

Chiodo
Pavich

Connolly
Poncy

Absent or not voting, 4:

Clements

Egenes

Miller

O'Kane

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

Speaker Stromer in the chair at 11:17 a.m.

Regular Calendar

House File 2142, a bill for an act exempting animal shelters from complying with requests by authorized institutions for dogs for use in scientific research, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5161 filed by Schroeder and Harbor as follows:

H—5161

1 Amend House File 2142 as follows:

2 1. Page 1, by inserting after line 8 the following:

3 "Sec. Chapter 162, Code 1981, is amended by
4 adding the following new sections:

5 NEW SECTION. No animals, except those actually sick
6 or injured or those lawfully licensed at the time of
7 seizure shall be destroyed or sold by an animal shelter
8 while a request to that animal shelter of an authorized
9 institution, as defined in section 351A.1, is unfulfilled
10 unless first tendered to such institution and refused by
11 it.

12 NEW SECTION. An institution obtaining dogs from an
13 animal shelter shall pay to the animal shelter under
14 whose authority each dog is held or was seized a
15 reasonable fee not to exceed ten dollars for each dog
16 so obtained, and shall provide for the transportation
17 of the dogs so obtained from the animal shelter.

18 NEW SECTION. Animals used in any institution for research
19 purposes shall receive every consideration for their
20 bodily comfort; they shall be kindly treated, properly
21 fed and their surroundings kept in a sanitary condition.

22 All major operative proceedings may be done under local
23 infiltration anesthesia. If the nature of the study is
24 such that the animal may survive, acceptable techniques
25 shall be followed throughout the operation. If the
26 study does not require survival, the animal shall be
27 killed in a humane manner at the conclusion of the
28 observations. The post-operative care of the experimental
29 animals shall be such as to minimize discomfort during
30 convalescence. All conditions shall be maintained for
31 the animal's comfort in accordance with the best practices
32 followed in human medicine and surgery."

Spear of Lee offered the following amendment H-5193, to amendment H-5161, filed by him and moved its adoption:

H-5193

1 Amend amendment H-5161 to House File 2142 as
2 follows:
3 1, Page 1, by striking lines 6 and 7 and
4 inserting in lieu thereof the following: "or
5 injured shall be destroyed or sold by an animal
6 shelter".

Amendment H-5193 was adopted.

Spear of Lee offered the following amendment H-5186, to amendment H-5161, filed by him and moved its adoption:

H-5186

1 Amend House Amendment H-5161 to House File 2142
2 as follows:
3 1. By striking lines 22 and 23 and inserting in
4 lieu thereof the following: "All operative procedures
5 likely to cause the dog greater discomfort than the
6 attending anesthetization shall be done with the dog
7 under either local or general anesthesia unless
8 anesthesia would defeat the purpose of the experiment.
9 If the nature of the study is".

Amendment H-5186 was adopted.

Krewson of Polk rose on a point of order that amendment H-5161 was not germane.

The Speaker ruled the point well taken and amendment H-5161 not germane.

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

On the question "Shall the bill pass?" (H.F. 2142)

The ayes were, 65:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Crabb	Daggett	Danker	Davitt
Diemer	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Horn	Howell	Jay
Jochum	Johnson, R.	Knapp	Krewson
Lind	Lloyd-Jones	Loneragan	Mann
McKean	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Rapp	Renaud	Renken
Rosenberg	Running	Shull	Smith
Stueland	Sturgeon	Swartz	Swearingen
Trucano	Van Maanen	Walter	Welsh
Woods			

The nays were, 31:

Anderson, J.	Bennett	Branstad	Chiodo
Cook	Corey	De Groot	Dieleman
Gross	Halvorson, R. A.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, W.
Lageschulte	Maulsby	Menke	Mullins
Pope	Ritsema	Schneklloth	Schroeder
Smalley	Spear	Sullivan	Tofte
Tyrrell	Welden	Mr. Speaker	

Absent or not voting, 4:

Clements	Egenes	Miller	O'Kane
----------	--------	--------	--------

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

HOUSE RULE 78.B SUSPENDED

Pope of Polk asked for unanimous consent to suspend House Rule 78.B regarding the filing of a motion to reconsider Senate File 2084.

Objection was raised.

Pope of Polk moved to suspend House Rule 78.B regarding the filing of a motion to reconsider Senate File 2084.

A non-record roll call was requested.

The ayes were 52, nays 43.

The motion prevailed and House Rule 78.B was suspended.

SENATE AMENDMENT CONSIDERED
House Concurs

Diemer of Black Hawk called up for consideration **Senate File 399**, a bill for an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H—5130, to the House amendment S—5078, as follows:

H—5130

- 1 Amend the House amendment S—5078 to Senate File 399
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking lines 4 through 7.

The motion prevailed and the House concurred in the Senate amendment H—5130, to the House amendment S—5078.

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

On the question "Shall the bill pass?" (S.F. 399)

The ayes were, 91:

Anderson, J.
Bennett
Bruner
Clark, B. J.
Connolly
Crabb

Anderson, R.
Binneboese
Carl
Clark, J. H.
Connors
Daggett

Arnould
Brandt
Carpenter
Cochran
Cook
Danker

Baxter
Branstad
Chiodo
Conlon
Corey
Davitt

De Groot	Dieleman	Diemer	Doderer
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Mr. Speaker	

The nays were, 4:

Avenson	Byerly	Renaud	Woods
---------	--------	--------	-------

Absent or not voting, 5:

Clements	Egenes	Miller	Norland
O'Kane			

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

MOTIONS TO RECONSIDER

(Senate File 2084)

I move to reconsider the vote by which Senate File 2084 passed the House on February 17, 1982.

POPE of Polk

(Senate File 2080)

I move to reconsider the vote by which Senate File 2080 passed the House on February 19, 1982.

RITSEMA of Sioux

(Senate File 2080)

I move to reconsider the vote by which Senate File 2080 passed the House on February 19, 1982.

AVENSON of Fayette

INTRODUCTION OF BILLS

House File 2360, by committee on human resources, a bill for an act to exempt travel trailers from the regulation of mobile home parks.

Read first time and placed on the calendar.

House File 2361, by committee on human resources, a bill for an act relating to the access of a spouse to the medical records of a mental health patient.

Read first time and placed on the calendar.

House File 2362, by committee on ways and means, a bill for an act relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes, including provision for a variable interest rate for underpayment or overpayment on estimated payments of corporate income and franchise taxes, and making the Act retroactive to January 1, 1982, effective upon publication.

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

House File 2363, by committee on agriculture, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

Read first time and placed on the calendar.

House File 2364, by committee on judiciary and law enforcement, a bill for an act relating to theft of a motor vehicle and providing a penalty.

Read first time and placed on the calendar.

House File 2365, by committee on judiciary and law enforcement, a bill for an act relating to the testimony of a husband or wife as a witness against the other.

Read first time and placed on the calendar.

House File 2366, by committee on ways and means, a bill for an act relating to the state cigarette and little cigar tax by making permanent the tax rate of nine mills, the discount percent on the sale of tax stamps at two percent, the provision excluding the tax as part of the basic cost of cigarettes, providing for penalty and interest for unpaid or delinquent taxes, the time period in which a hearing must be held when a protest is filed, waiver of penalty and reduction or abatement of interest by the director, and repealing the one-time inventory tax refund.

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

House File 2367, by committee on judiciary and law enforcement, a bill for an act relating to substance abuse commitment procedures including allegations in a petition for involuntary commitment of substance abusers, and appointment of a representative to assist a petitioner and to present evidence at a substance abuse commitment hearing.

Read first time and placed on the calendar.

House File 2368, by committee on judiciary and law enforcement, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges.

Read first time and placed on the calendar.

House File 2369, by committee on judiciary and law enforcement, a bill for an act to revise the crime of operating a motor

vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 2097, by Kudart and Rush, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor.

Read first time and referred to committee on commerce.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 17, 1982 and is on file in the office of the Chief Clerk:

February 16, 1982

Mrs. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 5 claims of a general nature. This supplements our filing of December 22, 1981.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
MAURICE E. BARINGER
Chairman
State Appeal Board

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

OFFICE STATE COMPTROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
10571-69-25	Brock Lumber Company Maquoketa, Iowa Registration fee refund	\$ 1,245.00	Disapproved
10621-69-25	Kleiman Construction, Inc. Cedar Rapids, Iowa Contract with University of Iowa	53,542.98	Disapproved
10671-69-25	LaCrosse Lutheran Hospital LaCrosse, Wisconsin Outdated claim	5,064.17	Disapproved
10717-69-25	St. Luke's Regional Medical Center Sioux City, Iowa Outdated Title XIX claim	388.94	Disapproved
10734-69-25	Ringgold County Hospital Mount Ayr, Iowa Outdated Title XIX claim	200.00	Disapproved

SUBCOMMITTEE ASSIGNMENTS

House File 2173

Cities: Clements, Chair; Shull and O'Kane.

Senate File 367

Judiciary and Law Enforcement: Trucano, Chair; Pelton and Jay.

Senate File 396

County Government: Hanson of Delaware, Chair; Walter and Renken.

Senate File 454

County Government: Tofte, Chair; Binneboese and Clark of Lee.

Senate File 460

County Government: Branstad, Chair; Swartz and Hansen of O'Brien.

Senate File 499

County Government: Schroeder, Chair; Running and Gross.

Senate File 2086

Commerce: Hummel, Chair; Halvorson of Clayton and Woods.

Senate File 2100

Transportation: Holt, Chair; Mann and Woods.

Senate File 2101

Judiciary and Law Enforcement: Conlon, Chair; Rosenberg and Arnould.

Senate File 2134

Transportation: Danker, Chair; Lind and Oxley.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 668

Education: Ritsema, Chair; Johnson of Howard and Connolly.

Study Bill 671

Education: Johnson of Woodbury, Chair; Holt and Poney.

Study Bill 674

Education: Ritsema, Chair; Holt, Clements, Anderson of Jasper and Rosenberg.

Study Bill 675

Judiciary and Law Enforcement: Conlon, Chair; Swartz and Rosenberg.

Study Bill 676

Judiciary and Law Enforcement: Conlon, Chair; Rapp and Doderer.

Study Bill 678

Judiciary and Law Enforcement: Smalley, Chair; Trucano and Doderer.

Study Bill 680

Judiciary and Law Enforcement: Poffenberger, Chair; Brandt and Rapp.

Study Bill 681

State Government: Carpenter, Chair; Fey and Smith.

Study Bill 682

State Government: Trucano, Chair; Chiodo and Hanson of Delaware.

Study Bill 683

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Anderson of Jasper, Brandt, Dieleman, Smith and Trucano.

Study Bill 684

Natural Resources: Stueland, Chair; Pellett, Jay, Cochran and Cook.

Study Bill 687

Commerce: Halvorson of Clayton, Chair; Hansen of O'Brien and Jochum.

Study Bill 690

Natural Resources: Tofte, Chair; Diemer and Jay.

Study Bill 697

County Government: Hansen of O'Brien, Chair; Howell and Gross.

Study Bill 698

County Government: Renken, Chair; Oxley and Hanson of Delaware.

COMMITTEE RECOMMENDATIONS

5

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 522, as amended), relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON COUNTY GOVERNMENT

Senate File 454, a bill for an act relating to quarterly reports by county officers.

Fiscal Note is not required.

Recommended **Do Pass**.

Senate File 499, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 528, as amended), relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2178, as amended), relating to the boundary lines of merged areas and area education agencies.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 597, as amended), relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 648), creating the Iowa higher education loan authority providing for the authority to issue revenue bonds and defining its power and duties.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON ENERGY

Committee Bill (Formerly Study Bill 692, as amended), relating to the continuation of the activities and functions of the energy policy council and changing the date of the submission of the council's required report.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5200**.

Committee Bill (Formerly House File 2126, as amended), to limit per diem and expenses to members of the general assembly in attendance at special sessions.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 633, as amended), to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENT FILED

H—5200

S.F. 387

Committee on State
Government

On motion by Pope of Polk, the House adjourned at 12:00 noon,
until 10:00 a.m., Monday, February 22, 1982.

JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 22, 1982

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

Prayer was offered by Vern Den Herder, member of the First Reformed Church of America, Sioux Center.

The Journal of Friday, February 19, 1982 was approved.

PETITION FILED

The following petition was received and placed on file:

By Norland of Worth, from sixty-seven persons favoring House File 2351.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brandt of Black Hawk on request of Sturgeon of Woodbury; Gross of Ringgold on request of Pellett of Cass; Walter of Pottawattamie on request of Pavich of Pottawattamie; Miller of Buchanan on request of Avenson of Fayette; Egenes of Story on request of Pope of Polk.

HOUSE FILE 2218 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2218 and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2353, a bill for an act to establish a regulatory information service in the Iowa development commission, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2353)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Avenson	Brandt	Byerly	Clark, J. H.
Egenes	Gross	Howell	Jay
Jochum	Krewson	Lageschulte	McKean
Miller	Smalley	Walter	

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

House File 2356, a bill for an act providing for the definition of the term "small business" wherever the term is used in the Code unless a different definition is specifically provided, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore, Menke of O'Brien in the chair at 10:25 a.m.

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

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

The ayes were, 63:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Cochran
Conlon	Connolly	Corey	Danker
Davitt	Dieleman	Diemer	Fey
Groth	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lind	Lonerger
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Petric	Poffenberger
Pope	Rapp	Renaud	Ritsema
Rosenberg	Schroeder	Shull	Smalley
Smith	Spear	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, 26:

Anderson, J.	Chiodo	Clark, B. J.	Clements
Connors	Cook	Crabb	Daggett
Doderer	Gettings	Hall	Harbor
Knapp	Lloyd-Jones	Mann	Maulsby
McKean	Pellett	Poncy	Renken
Running	Schnekloth	Stueland	Tyrrell
Van Maanen	Welden		

Absent or not voting, 11:

Brandt	Clark, J. H.	De Groot	Egenes
Gross	Jay	Jochum	Lageschulte
Miller	Stromer	Walter	

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

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee: Johnson of Linn, Chair; Mann of Greene and Swartz of Marshall.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 115, duly adopted, the joint convention was called to order, President Branstad presiding.

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

The motion prevailed.

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

Senator DeKoster of Sioux moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Chief Justice W. W. Reynoldson that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee: Senators DeKoster of Sioux, Murray of Story and Rush of Linn, on the part of the Senate and Representatives Shull of Warren, Renken of Grundy and Spear of Lee, on the part of the House.

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

The committee waited upon Chief Justice W. W. Reynoldson and escorted him to the Speaker's station.

President Branstad then presented Chief Justice W. W. Reynoldson who delivered the following State of the Judiciary Message:

Mr. President, Mr. Speaker, Senators, Representatives, State Officials, Presidents of the Lawyers Associations and Fellow Iowans:

In 1980 and 1981, I opened my remarks with brief references to then-current events in foreign lands — not because they directly affected Iowa's justice system, but because they invited comparison with our nation's protection of freedom through independent courts. Events like those make us realize that when we improve our courts we strengthen the sinews that bind our society.

As we met in 1980 our hostages still were imprisoned in Iran. They now are freed, but that is still a land where the arrest is the first notification of a prior adjudication of guilt. Shortly before we met in 1981, Polish Solidarity leader Lech Walesa had touched our hearts with his call for "the right of human beings to their dignity, to order and to justice." His voice is silent now, his condition unknown. Solidarity leaders are scattered or held in concentration camps. Poland remains a country without the "great writ" of habeas corpus, or the court-enforced due process protections of counsel, trial, confrontation of witnesses, jury — all those safeguards sometimes viewed impatiently here when invoked by others, but upon which, consciously or unconsciously, we all daily rely.

Iowans also rely on their courts to enforce their contracts, determine their property rights, adjudicate their personal injury claims, dissolve their marriages, adjust their public employment relations, probate their estates, remedy discrimination, discipline criminals, and perform an expanding myriad of other functions, all pursuant to legislation you have adopted.

Our institutions, however, are not self-regenerating. There is no assurance that our laws, our courts, or even our society will survive. Like all human constructions, they must continually be inspected, repaired, and refurbished. So let us examine together the structure we call Iowa's justice system to determine its condition and what changes are required if it is to meet today's problems.

TRIAL COURTS

Focusing on the district court dockets, criminal filings climbed again in 1981. Civil filings remained about steady. Potential civil litigants face the bleak prospect of standing in line for trial behind the criminal cases, which are given priority under our constitution and your speedy trial rules. Our 1981 year-end analysis documented the mounting backlog of civil and criminal cases in district court. The number of civil cases still pending after 18 months, a year and one-half, jumped to 12,566, a 25 percent increase in one year. The number of criminal cases undecided after 18 months surged to 3,930, a 56 percent increase in one year.

These cold statistics blanket books of human tragedy: Iowans' lives held in hostage; their fortunes in suspense. Controversies fester; the innocent carry the mark of the false accusation; the guilty delay punishment. The latter problem is not new. In the words of "The Preacher" in the Old Testament, "Because sentence against an evil deed is not executed speedily, the heart of the sons of men is fully set to do evil." Our criminal justice system is less effective when a potential law violator knows that punishment will not be swift and certain.

This case backlog mounted while district judges worked hard to increase case dispositions: from 394 per judge in 1956 to almost double that, 761 per judge, in 1981. More cases have been terminated in recent years when, through the use of federal and county funds, court administrators were deployed in the eight judicial districts. Last year you wisely picked up this expense, although at a reduced level, with a portion of the funds generated by an increase in district court filing fees. This year we ask that the balance of the filing fee money be appropriated to this branch of government to further supplement court administration.

The combined efforts of our district judges, district associate judges, magistrates, referees, court administrators, law clerks, juvenile probation officers, court reporters, and clerks of court permitted Iowa's District Court to move a mountain of legal matters in 1981, and we are justly proud of them. This record nevertheless is small consolation to litigants who started the new year with an old lawsuit.

Iowa needs more judgepower. Under the statutory formula, case filings and population now call for 28 more district court judges. Our mutual constituents clearly discern this need. In an Iowa public opinion poll, authorized by the Judicial Coordinating Committee and funded by the Edwin T. Meredith Foundation, 87 percent of the respondents agreed with the statement that "long delays occur before a civil case comes to trial." Almost 70 percent agreed with the statement that "courts do not have enough judges to handle the work load."

The need for some of those additional judges might be satisfied by careful attention to support personnel requirements. We could try more cases if the judges now on the line could concentrate on the central task of adjudication. This can be accomplished with your help in continuing to expand the use of trained court administrators, modern technology, and modern business methods. Management of court machinery should be in the hands of permanent, trained personnel — administrators and clerks of court — but always subject to the control and guidance of the judges themselves.

A further efficiency can be achieved by expanding the use of law clerks, young lawyers who cost much less than judges, to do necessary research.

Judges do not and should not decide cases on the basis of their private notions of abstract justice. There is a need for continuity in the law so that persons can know its limits and project its reach. In their daily encounters with new situations and problems, judges turn for guidance to applicable statutes. They search for adjudicated cases in this and other jurisdictions for the experience of other courts and the rationale of their solutions. I need not remind you that there has been an explosive increase in statutory law that must be carefully studied. The reported cases of state and federal courts are now running more than 54,000 per year. Recent law school graduates can do this necessary research and provide it to judges in memorandum form. This saves the judges time for exercise of judgment, including control of the courtroom, sentencing, and preparation of rulings — doing the things only a judge can do.

In fiscal year 1982 boards of supervisors in seven judicial districts provided a total of 14 law clerks for district judges. Those supervisors were on the firing line with the trial judges, hearing the complaints of derailed civil litigants, coping with overcrowded jails and observing other accused but bailed persons walking the streets because their trials were delayed. This burden of supporting state judicial officers should be shouldered and expanded by the state.

By way of comparison, in the federal district courts of Iowa, where 1981 case filings ran 385 per district judge, each judge was furnished two law clerks. In the Iowa District Court in 1981, 1,002 civil and criminal cases were filed per judge — over two and one-half times the federal rate — but the state provided no research support. It would make economic sense to provide a law clerk to every trial judge in Iowa. One clerk for every four district judges should be an absolute minimum. The employment of 24 law clerks in the trial courts would be one of the most cost-effective ways to help slow the increase in Iowa's case backlog.

In the last 32 months 27 district court judges have been replaced, a turnover of 28 percent. We mention this to demonstrate our continued need for educational funding, because judicial skills are not acquired by the simple act of donning a robe. Judicial training has been an essential part of our coordinated effort to intellectually stimulate and retain high-quality trial and appellate judges.

As an example, our staff is preparing a special seminar in May on adjudication of alcohol and drug-related traffic offenses. This subject is timely because over 40 percent of the 35,577 indictable criminal cases filed in Iowa District Court in 1981 were first or second offense OMVUI — driving a motor vehicle while under the influence. This spring a judges' conference will focus on dissolutions and child support enforcement, again a vital area because almost 50 percent of our civil case filings, excluding small claims, involve domestic relations.

Your consideration and study of these social issues may lead to legislation that stems the rising tide of cases in our courts. Our case filing increase — now growing at the rate of 8.7 percent per year, or 43.6 percent in the last five years — may be dampened by the Uniform Arbitration Act you adopted last session. Experimentation with mediation centers, discussed in last year's message, merits attention. But we all realize our society continues to become more complex, uncertain, and unstable, generating more legal controversies. The reforms we suggest today are necessary to resolve yesterday's continuing problems. They should not be delayed by the forlorn hope district court case filings will fall.

APPELLATE COURTS

The crisis in our courts is not confined to the trial bench. In 1971, when I joined the supreme court, 660 appeals were filed — about 73 for each of the nine justices. By 1976, when you wisely created the Iowa Court of Appeals, the annual filings had climbed to 1,176. When the new court commenced operating on January 1, 1977, the average nonpriority civil appeal took nearly three years to be reached and terminated by formal opinion.

- The combined efforts of the two courts drove that backlog down until we could hear ready cases within two or three months. The conscientious and hardworking central staff you provided us has helped enormously. Unfortunately, however, the number of appeals continued to climb and reached 1,733 in 1981 — about 124 for each of the now-fourteen appellate judges. By October 1981, the delay between ready status and submission had grown to six months. This prompted the supreme court to begin a more summary treatment of appropriate cases, utilizing a panel of five justices, eliminating oral arguments, and writing short opinions. Our disposition rate climbed, but not fast enough.

Every person involved in an appeal believes his or her cause is vitally important, and it is. All supreme court justices would prefer to give every appeal full treatment by all nine members, with oral arguments and expanded written opinion. Anything less is the equivalent of battlefield surgery. Nonetheless, the battle is joined. Appeals of regular civil cases submitted in January 1982 were made ready in May 1981, an eight-month delay — two months of additional lag over appeals submitted to the court last October. The supreme court has begun a "fast-track" treatment with selected cases: cutting the panel to three justices; deleting oral argument; writing terse, unpublished opinions. Our first rulings resulting from this experiment will be filed February 26.

Although the disposition rate per appellate judge has more than doubled in the last decade, from 54 in 1971 to 123 in 1981, the appeal backlog continues to mount as filings outdistance dispositions. We therefore are driven to recommend that you provide for, and fund with a supplemental appropriation this year, an additional member for the court of appeals and the necessary support personnel. Based on the fine production of that court — 501 decisions in 1981 — we believe an additional judge could increase appellate production by 100 appeals per year.

In addition to deciding cases and disposing of a massive number of motions, the supreme court in 1981 carried out its constitutional duty to exercise supervisory and administrative control over the state courts and to regulate the practice of law and discipline lawyers. Pursuant to authority you gave us by statute, we have formulated and submitted for your approval proposed civil, criminal, and involuntary hospitalization rule changes.

In 1981 you adopted legislation requesting the supreme court to undertake a study of the federal rules of evidence to determine which rules should be adopted for Iowa. In a rare oversight, you forgot to fund the project. As usual, the Iowa State Bar Association and the Iowa State Bar Foundation came to our rescue. The foundation has provided \$7500 for costs and staff expense. The association printed and mailed our poll of lawyers and judges on the subject. This identified 657 lawyers who offered to serve on an advisory study committee without charge. From these fine volunteers we selected 11 judges, law school professors, and lawyers — professional talent that if retained privately would have cost thousands of dollars. With the aid of the research and comments provided by this committee, you will have the court's response before your 1983 session.

Since we last met, and pursuant to the bar association's request, the supreme court has amended its rules and has appointed two lay persons as members of the Committee on Professional Ethics and Conduct and nine lay persons to serve on the Grievance Commission — essential components of the court's attorney disciplinary machinery. These persons join 10 other distinguished lay persons and 93 dedicated lawyers who serve on 14 committees and commissions that assist the court in carrying out its constitutional and statutory duties.

As a closing note on supreme court responsibilities, it appears you may have relieved us of an onerous task when through a fine bipartisan effort you adopted a reapportionment plan that has achieved national acclaim.

OVERVIEW

Time constraints will not allow us to analyze a number of serious problems affecting Iowans and their judicial system. Four must be mentioned.

First, we report that the curtailment of federal funding for Legal Services Corporation will limit legal services for low-income Iowans. Although it may be an exaggeration to say, as some do, that the unrepresented poor have access to the courts in the same manner that early Christians in the Roman arenas had access to the lions, it is true that the United States lags behind other common-law nations in providing legal services for the poor in civil cases. I believe most Iowa lawyers generously contribute legal services of one kind or another. However, it has been estimated that to meet all the legal needs of the poor would cost approximately \$5000 per lawyer — a burden that necessarily would be passed on to the paying clients. The Iowa State Bar Association and the supreme court are cooperating in studying methods to ease the impact. In the end, though, providing the poor access to justice is a public goal and responsibility. It merits your study to the same extent as public education or public health.

Another problem for any Iowan is the cost of going to court. In order to curb that cost, we are exploring the abuse of pretrial discovery. In 1980 you approved our rule limiting the number of written interrogatories, and lawyers tell us there has been a salutary lull in the war of automatic typewriters. We are studying methods to stem the fiscal hemorrhage of endless, and sometimes needless, oral depositions. Of course, the public bears a large portion of litigation cost. Last month we submitted for your review a civil rule permitting the trial judge to impose additional court cost sanctions when the litigants unreasonably wait until they reach the courthouse steps to settle their case. We hope this results in fewer juries called in, paid, and dismissed, and less downtime for judges.

A third major worry is the replacement of quality judges. In less than three years, six district and district associate judges have quit before reaching minimum retirement age. At least four have returned to law practice. Judicial pay and retirement plans must be reviewed annually to attract and retain highly qualified persons. Currently the judicial retirement plan is neither actuarially "funded" nor certified as an IRS "qualified" system.

Lastly, Iowans should salute you for your careful and impressive study of the antiquated support structure and financing of Iowa's courts. The work of your Court Study Joint Subcommittee, composed of five members each from the Senate Judiciary Committee and the House Judiciary and Law Enforcement Committee, commenced in 1979. Our Justice Allbee for the judicial branch, and Wythe Willey succeeded by Nancy Shimanek for the executive branch, were advisory members. Legislative Service Bureau personnel and the judiciary's Joseph Thornton provided staff assistance. Resource Planning Corporation was hired by your committee with federal funds to make a seven-month study. To my knowledge, there never has been such a coordinated attack on a problem by the three branches of state government.

This study is a continuation of your national leadership in court reform. Our unified trial court, intermediate appellate court, Judicial Qualifications Commission, and judicial merit selection and tenure programs are modern reforms that you have made while several other states have struggled and failed. Our progress makes me proud and confident that we will continue to adapt our system to meet new challenges.

The subcommittee work terminated on December 18, 1981, with the approval of a study bill and a "Do Pass" recommendation. The bill is formidable in size only because it reenacts most of the present statutory law. This is for the purpose of reorganizing and bringing into one division of the Iowa Code all the judicial branch laws that are now obscurely scattered through three code volumes.

You will hear much of this proposed legislation this session. It provides a plan to bring the personnel serving the courts into the Judicial Department. It does not, however, provide for those people to be appointed and supervised from Des Moines. The supreme court and the bill is committed to the concept of administration through judicial districts. The district chief judge would continue to appoint the district court administrator. The district judges would continue to select their court reporters. Under the bill the district judges would appoint the clerks of court who would hire and supervise their own work force. The judges also would select a chief juvenile probation officer in each district who would hire and supervise the other district officers. Qualifications for these positions would be set by the supreme court, just as we now, pursuant to your statutes, set the qualifications for juvenile probation officers and court administrators.

The study bill proposes a year of preparation followed by a five-year phased-in assumption by the state of that 75 percent of the judicial system cost now paid by the counties. The state would take over at the same rate the counties' share of court-generated revenues. This proposed legislation also picks up from the counties the cost of providing counsel for indigent defendants. Of course, there is a concomitant relief from local real estate taxes.

Under this bill the supreme court would plan for and work toward the transition beginning July 1, 1982. Fiscal year 82-83 would be the "base" fiscal year for determining the cost to counties for operating the trial court system. In fiscal year 83-84, the state would only absorb any growth in court costs above the base year. The phase-in would start picking up 20 percent of county-paid cost in fiscal year 84-85, and the process would be completed in fiscal year 88-89 with a single state budget for the court system.

This coordinated budget approach is designed to provide a more effective and responsible mechanism to the citizens of the state and to the members of the General Assembly for the expression of the financial needs of the judicial branch. Your legislative subcommittee and the supreme court believe increased efficiency and accountability in our state court system will result, together with responsible fiscal oversight by the legislative branch.

The concept undergirding this study bill enjoys broad support. Governor Ray believes state funding of the court system is the way to go and that it is too important an issue to be placed on the back burner. The idea has the endorsement of the Association of County Supervisors, the Iowa Clerks of the District Court Association, the Iowa Juvenile Probation Officers Association, the Iowa Judicial Council, the Association of Trial Lawyers of Iowa, the Iowa Judges Association, and recently, the Iowa State Bar Association. This support is recognition that we must renovate our court system to acknowledge the reality that we no longer have ninety-nine separate court jurisdictions in Iowa.

There is no dispute that under this bill the state's share of the judicial system expense ultimately would rise from the present amount, representing six-tenths of one percent of the total state budget, to an estimated two and three-tenths percent of the total state budget. This is also a recession year in which mention of money seems to produce a strong negative reaction, regardless of the merits and long-term economics of the reform proposed. Nonetheless, it must be kept in mind that this bill can be adopted now, with the preparatory period to commence in 1982, or in 1983. The countdown can be started, then stopped to allow time for adjustments or emergencies throughout the six-year period. The crucial consideration is that your three-year effort not be abandoned in the panic of a passing fiscal storm.

I think in these days it would do Iowans good to see this General Assembly make a simple statement of faith in the future: the adoption of a forward-looking plan that rests on confidence in this state, its people, and the serene knowledge that conditions are going to improve. There must be present some trace of the faith our grandfathers had in migrating to these prairies — or the faith Iowa farmers displayed in 1981 when they planted their seed in dry ground.

If you lose your grip on this reform now, it will sink from sight as it has in the past. It likely will not reemerge until all of us are gone from this arena. Like Robert Frost's traveler, we are at the crossroads, we will not be back, and the road we take will make all the difference. Perhaps down the road you choose you might like to tell your children, or grandchildren, that you were there when a creaky branch of government got a major overhaul and was brought, slowly but proudly, into position to face the twenty-first century.

Chief Justice W. W. Reynoldson was escorted from the House chamber by the committee previously appointed.

Pope of Polk moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened, Speaker Stromer in the chair.

MOTION TO RECONSIDER
(House File 2356)

I move to reconsider the vote by which House File 2356 passed the House on February 22, 1982.

SHULL of Warren

INTRODUCTION OF BILLS

House File 2370, by committee on natural resources, a bill for an act relating to a user fee for certain state lands under the jurisdiction of the state conservation commission, making an appropriation, providing a penalty and providing a January 1 effective date.

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

House File 2371, by committee on state government, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

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

House File 2372, by committee on education, a bill for an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

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

GOVERNOR'S VETO MESSAGE

February 19, 1982

The Honorable Delwyn Stromer
Speaker of the House
State Capitol Building
L O C A L

Dear Mr. Speaker:

I am enclosing House File 797, an act relating to the certified eligible list for promotion for city civil service. In accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

House File 797 increases the number of years the names of persons on the firemen civil service certified eligible list for promotion is used from two to three years. While I can understand the motives behind the bill, the consequences of this change in the firemen's certified eligible list warrant my veto.

This bill extends the eligibility time for firemen on a promotional list. Each promotional list is now good for a period of two years. House File 797 extends the effective period for each list to three years. As a result, those firemen on the list who are not selected for promotion after two years are given another year to be considered for promotion.

However, this change is not acceptable for three reasons:

1. This proposed change in the maintenance of the certified eligible list is applied only to firemen and not to all city civil servants. Cities have historically treated all of their civil servants similarly when dealing with certified eligible lists for promotion. I have not heard of any compelling public policy reason why this historical precedent should be broken or why special preference should be given to firemen over all other city employees. To do so would add only unnecessary complexity to the city civil service system.
2. This proposal must be questioned because, while few firemen may benefit from the bill, it could hurt the chances of many firemen for a timely promotion. It will, in some cases, deny meritorious young firemen an opportunity to be promoted as quickly as is possible under the present system. Presently, a newly employed fireman must generally wait at least three years before being tested for placement on the promotion list. As a result, if that fireman joins the department one year after a certified eligible list has been completed, the fireman must now wait three years before being eligible for promotion from the certified list. If the certified eligible lists are retained for three years, as is proposed in this bill, that same fireman would have to wait at least five years before being eligible for certified promotion. This could discourage many young firemen and reduce the incentive to improve their performance in the hope of securing a promotion.
3. House File 797 adversely affects the administration of the cities' fire departments. The three year eligibility list would further restrict the ability of fire department personnel directors to consider recent performance as a measure of an employee's qualifications for promotion. The addition of one year to the certified eligible list ignores the changes in employee performance which take place over time and which must be considered when vacancies allow for promotions. This could cause harm to the operations of the fire department.

If a fireman believes the personnel director is basing promotions from the certified eligible list on improper criteria, that problem can be handled through grievance procedures already established in the city civil service system. It does not call for a change in state law in the fashion proposed in House File 797.

For the above reasons, I hereby disapprove all the provisions of House File 797.

Sincerely,
Robert D. Ray
Governor

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 22, 1982. Had I been present, I would have voted "aye" on House File 2356.

DE GROOT of Lyon

On February 22, 1982, I inadvertently pushed the no button, when I wished to vote "aye" on House File 2356.

PONCY of Wapello

COMMUNICATION RECEIVED

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

JOB SERVICE OF IOWA

A report on the status of the unemployment insurance trust fund, pursuant to Section 96.11(1), Code of Iowa, which states:

"Whenever the director believes that a change in the contribution or benefit rates will become necessary to protect the solvency of the fund, the director shall promptly so inform the governor and the legislature, and make recommendations with respect thereto."

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 700 Ways and Means

Relating to the taxation of the gross taxable services from certain laundry and cleaning establishments.

S.B. 701 Education

To provide exemptions from school course requirements upon parental consent.

S.B. 702 Judiciary and Law Enforcement

To legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication.

S.B. 703 . State Government

Relating to the creation of the Iowa hospital equipment financing authority for the purpose of issuing bonds to assist health care providers in obtaining and financing health care equipment.

S.B. 704 State Government

Providing the department of general services with the exclusive authority to purchase blanket fidelity bonds in lieu of statutory requirements for individual bonds, for all officers and employees of the state, and permitting the department to cancel and replace the bonds.

CERTIFICATE OF RECOGNITION

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

1982-7 Charles Selzer, Superintendent, Amana Community Schools

ELIZABETH A. ISAACSON
Chief Clerk of the House

AMENDMENTS FILED

H-5201	H.F. 2340	Poffenberger of Dallas
H-5202	H.F. 2361	Spear of Lee
H-5203	H.F. 2346	Welden of Hardin
		Hansen of O'Brien
H-5204	H.F. 2363	Anderson of Audubon
		Dieleman of Marion
		De Groot of Lyon
H-5205	S.F. 482	Lloyd-Jones of Johnson
H-5206	H.F. 2360	Spear of Lee
H-5207	H.F. 2357	Swartz of Marshall
H-5208	H.F. 2369	Johnson of Linn
H-5209	H.F. 2158	Schroeder of Pottawattamie
H-5210	H.F. 2354	Swartz of Marshall
H-5211	H.F. 2369	Johnson of Linn
H-5212	H.F. 2035	Daggett of Taylor
H-5213	S.F. 482	Poffenberger of Dallas
H-5214	H.F. 2351	Pelton of Clinton

On motion by Pope of Polk, the House adjourned at 11:52 a.m., until 9:00 a.m., Tuesday, February 23, 1982.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 23, 1982

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

Prayer was offered by the Reverend Bob Lanning, pastor of the Baptist Church, Newell.

The Journal of Monday, February 22, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story on request of Pope of Polk; Walter of Pottawattamie on request of Pavich of Pottawattamie.

MEMORIAL TRIBUTES

Avenson of Fayette offered the following remarks in tribute to Representative Kenneth Miller:

I think all of us are terribly saddened today by the passing of one of our fellow members. For those of you that didn't know Kenny, Kenny, more accurately than any member that I've ever known, reflected the will of his constituents. He made this a special place, regardless of your party and regardless of where you were from. We all knew that. Each one of his amendments, regardless of how far off target that it was, we knew that he was right on as far as his people were concerned. We respected him for that and he respected each one of us. Even though he might have two minutes earlier given us all kinds of hell on the floor, in our caucus or wherever we were. I don't know anybody that had more friends than Kenny, here or at home.

After visiting Kenny several times this fall, he never gave up and never stopped fighting. On Labor Day, I stopped by and Kenny was sawing a window out of a house that he was remodeling. I asked him how he felt. He said, "Well, the doctors told me that I wouldn't make it until Labor Day, so I'm feeling a lot better than they thought I'd feel." That's how Kenny was. I think that even though we knew that he was very sick, all of us are surprised that it happened.

Pope of Polk offered the following remarks in tribute to Representative Kenneth Miller:

When a new person comes into this chamber, you know very little. The way that you learn is to watch. You observe your fellow members of the House or the Senate, or whatever the body may be. There are things that you can learn from each individual that serves here. Everybody is down here for a reason. Everybody has different qualities, different strengths, and you learn by watching, by emulating people that you respect. For some of us that process is slow, but we keep trying. I think that if there's anything that I personally will remember about Kenny Miller, it's that you can believe very strongly in the principles of your party, and he did. You can fight very hard for the things that you believe in and he did. You can still do it and come in here every day with abiding love for every person that serves in the House, and he did.

The House rose for a moment of silent prayer in respect of the Honorable Kenneth Miller.

HOUSE FILE 2218 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2218 and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2351, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks and open prairies and increasing the assessed value of fruit-tree and forest reservations, with report of committee recommending passage was taken up for consideration.

Pellett of Cass offered the following amendment H—5196 filed by him and moved its adoption:

H—5196

- 1 Amend House File 2351 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "subsection" and inserting in lieu thereof the word
- 4 "subsections".
- 5 2. Page 4, by inserting after line 28 the
- 6 following:
- 7 "NEW SUBSECTION. The back slope of a grass back
- 8 slope terrace and a narrow base terrace."
- 9 3. Title page, line 3, by inserting after the
- 10 word "banks" the words ", certain terraces".

Amendment H—5196 was adopted.

Branstad of Winnebago offered the following amendment H—5187 filed by him and moved its adoption:

H—5187

- 1 Amend House File 2351 as follows:
- 2 1. Page 2, line 20, by striking the word "For".
- 3 2. Page 2, by striking lines 21 through 23.

Roll call was requested by Doderer of Johnson and Carl of Poweshiek.

On the question "Shall amendment H—5187 be adopted?"

The ayes were, 48:

Anderson, J.	Bennett	Branstad	Byerly
Carl	Chiodo	Clements	Cochran
Cook	Danker	De Groot	Diemer
Gross	Groth	Hall	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Howell
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Mann	McKean	Mullins
Norland	Oxley	Pellett	Petrick
Renaud	Renken	Ritsema	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Tofte	Trucano	Tyrrell	Woods

The nays were, 45:

Arnould	Baxter	Binneboese	Bruner
Carpenter	Clark, B. J.	Clark, J. H.	Conlon
Connolly	Corey	Crabb	Daggett
Davitt	Dieleman	Doderer	Fey
Gettings	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Horn	Hummel	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	Loneragan
Maulsby	Menke	O'Kane	Pavich
Pelton	Poffenberger	Poncy	Pope
Rapp	Rosenberg	Sturgeon	Swartz
Swearingen	Van Maanen	Welden	Welsh
Mr. Speaker			

Absent or not voting, 7:

Anderson, R.	Avenson	Brandt	Connors
Egenes	Miller	Walter	

Amendment H—5187 was adopted.

Pelton of Clinton offered the following amendment H-5214 filed by him and moved its adoption:

H-5214

- 1 Amend House File 2351 as follows:
- 2 1. Page 3, line 26, by inserting after the word
- 3 "prairie" the words "and which is utilized for the
- 4 purposes of providing soil erosion control or wildlife
- 5 habitat or both,".

Amendment H-5214 was adopted.

Hanson of Delaware offered the following amendment H-5194 filed by Hanson of Delaware, et al., and moved its adoption:

H-5194

- 1 Amend House File 2351 as follows:
- 2 1. Page 5, by striking lines 1 and 2 and insert-
- 3 ing in lieu thereof the words and figures "161.13 shall
- 4 be assessed on a taxable valuation of fourteen
- 5 dollars and eighty-two cents per acre exempt from
- 6 property taxation for a period".

Amendment H-5194 lost.

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

On the question "Shall the bill pass?" (H.F. 2351)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley

Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brandt	Egenes	Miller	Walter
--------	--------	--------	--------

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

Regular Calendar

House File 2340, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H—5140 filed by him as follows:

H—5140

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, line 20, by inserting after the words
- 3 "to sell" the words ", for profit,".

Spear of Lee offered the following amendment H—5176, to amendment H—5140, filed by him and moved its adoption:

H—5176

- 1 Amend amendment H—5140 to House File 2340 as follows:
- 2 1. Page 1, by striking lines 2 and 3 and inserting
- 3 in lieu thereof the following:
- 4 "1. Page 1, line 20, by inserting after the word
- 5 "food," the following: "The assessment of a nominal fee
- 6 or request for a donation in connection with the
- 7 distribution of food by the charitable or nonprofit
- 8 organization is not a sale."

Amendment H—5176 was adopted.

Spear of Lee moved the adoption of amendment H—5140, as amended.

Amendment H—5140, as amended, was adopted.

Poffenberger of Dallas offered the following amendment H—5201 filed by her and moved its adoption:

H—5201

- 1 Amend House File 2340 as follows:
- 2 1. Page 1, by adding after line 20, the following:
- 3 "d. "Gleaner" means a person who harvests, for
- 4 free distribution, an agriculture crop that has been
- 5 donated by the owner."
- 6 2. Page 1, line 21, by inserting after the word
- 7 "A" the words "gleaner or".
- 8 3. Page 1, line 28, by inserting after the word
- 9 "donor" the words "or gleaner".
- 10 4. Page 1, line 29, by inserting before the word
- 11 "has" the words "or gleaner".

A non-record roll call was requested.

The ayes were 56, nays 32.

Amendment H—5201 was adopted.

Rosenberg of Story offered the following amendment H—5142 filed by him and moved its adoption:

H—5142

- 1 Amend House File 2340 as follows:
- 2 1. By striking page 2, line 32 through page 3,
- 3 line 6.

Amendment H—5142 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2340)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Brandt	Egenes	Fey	Miller
Rapp	Walter		

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

House File 2349, a bill for an act relating to the definition of adjusted gross estate, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas offered the following amendment H—5153 filed by her and moved its adoption:

H—5153

- 1 Amend House File 2349 as follows:
- 2 1. Page 1, by striking lines 3 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. ADJUSTED GROSS ESTATE. Unless
- 5 otherwise defined, "adjusted gross estate" in a will
- 6 means the entire value of the gross estate as deter-
- 7 mined under the federal estate tax less the aggregate
- 8 amount of the deductions allowed by sections 2053
- 9 and 2054 of the Internal Revenue Code of 1954 as
- 10 amended to and including January 1, 1982."
- 11 2. Page 1, by striking lines 14 through 19 and
- 12 inserting in lieu thereof the following:
- 13 "NEW SECTION. ADJUSTED GROSS ESTATE DEFINED.
- 14 Unless otherwise defined, "adjusted gross estate"
- 15 in an express trust not being administered in the
- 16 probate court means the entire value of the gross
- 17 estate as determined under the federal estate tax
- 18 less the aggregate amount of the deductions allowed
- 19 by sections 2053 and 2054 of the Internal Revenue
- 20 Code of 1954 as amended to and including January 1,
- 21 1982."

Amendment H—5153 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2349)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer

Doderer	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brandt	Davitt	Egenes	Krewson
Miller	Rapp	Walter	

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

House File 809, a bill for an act relating to conservation easements, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 809)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Fey	Gross	Groth

Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Brandt	Davitt	Egenes	Gettings
Krewson	Lind	Menke	Miller
Rapp	Walter		

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

House File 2059, a bill for an act relating to motor fuel tests, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5002 filed by him on January 18, 1982.

Schroeder of Pottawattamie offered amendment H—5035 filed by him as follows:

H—5035

- 1 Amend House File 2059 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 214A.2, Code 1981, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 214A.2 TEST AND STANDARDS.
- 8 1. The secretary is authorized, after public

9 hearing following due notice, to make appropriate
10 rules for carrying out the provisions of this chapter.
11 In the interest of uniformity, the secretary shall
12 adopt by reference or otherwise specifications relating
13 to tests and standards for motor fuel established
14 by the American society for testing and materials
15 (A.S.T.M.), unless the secretary determines those
16 specifications are inconsistent with this chapter
17 or are not appropriate to the conditions which exist
18 in this state.

19 2. Octane number shall conform to the average
20 of values obtained from the A.S.T.M. D-2699 research
21 method and the A.S.T.M. D-2700 motor method.

22 Octane number for regular grade gasoline shall
23 follow the latest specifications of A.S.T.M. and shall
24 not be less than eighty-eight.

25 Octane number for premium grade leaded gasoline
26 shall follow the latest specifications of A.S.T.M.
27 and shall not be less than ninety-three.

28 Octane number for unleaded grade gasoline shall
29 follow the latest specifications of A.S.T.M. and shall
30 not be less than eighty-seven.

31 Octane number for premium grade unleaded gasoline
32 shall follow the latest specifications of A.S.T.M.
33 and shall not be less than ninety.

34 Octane number for ethanol-blended leaded fuel shall
35 follow the latest specifications of A.S.T.M. and shall
36 not be less than ninety.

37 Octane number for ethanol-blended unleaded fuel
38 shall follow the latest specifications of A.S.T.M.
39 and shall not be less than eighty-nine.

40 "A.S.T.M." means the A.S.T.M. standards in effect
41 on July 1, 1981."

Bennett of Ida offered the following amendment H—5184, to amendment H—5035, filed by Bennett and Harbor and moved its adoption:

H—5184

1 Amend amendment H—5035 to House File 2059 as
2 follows:

3 1. Page 1, line 34, by inserting after the
4 word "for" the words "ten percent".

5 2. Page 1, line 37, by inserting after the
6 word "for" the words "ten percent".

Amendment H—5184 was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5035, as amended.

Amendment H—5035, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2059)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Anderson, R.	Brandt	Egenes	Miller
Pope	Rapp	Walter	

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

House File 2158, a bill for an act relating to the collection of filing and docketing fees for indictments or informations, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5036 filed by him and requested division as follows:

H—5036

1 Amend House File 2158 as follows:

H—5036A

2 1. Page 1, line 3, by inserting after the word
3 "cases," the words "when judgment is rendered against
4 the defendant, the clerk shall impose and collect
5 from the defendant".

H—5036B

6 2. Page 1, by striking lines 6 through 8 and
7 inserting in lieu thereof the words "filing of an
8 indictment or information. Upon collection of the
9 fee from the defendant, four dollars of the twenty-
10 five dollar fee shall be deposited in the county
11 treasury for the use of the county and twenty-one
12 dollars of the fee".

H—5036A

13 3. Page 1, by striking lines 13 and 14 and
14 inserting in lieu thereof the words "general fund
15 of the state. When judgment is rendered against the
16 defendant, the fees shall be collected from the
17 defendant."

Spear of Lee moved the adoption of amendment H—5036A.

A non-record roll call was requested.

The ayes were 57, nays 26.

Amendment H—5036A was adopted.

Spear of Lee moved the adoption of amendment H—5036B.

Amendment H—5036B was adopted.

Poffenberger of Dallas offered the following amendment H—5055 filed by her and moved its adoption:

H—5055

- 1 Amend House File 2158 as follows:
- 2 1. Page 1, line 4, by inserting after the
- 3 word "cases." the following: "No filing fee shall
- 4 be assessed against the complaining witness."

A non-record roll call was requested.

The ayes were 51, nays 32.

Amendment H—5055 was adopted.

Schroeder of Pottawattamie offered amendment H—5209 filed by him as follows:

H—5209

- 1 Amend House File 2158 as follows:
- 2 1. Page 1, by striking lines 1 through 14, and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 331.705, subsection 1,
- 5 paragraph a, Code 1981 Supplement, is amended to read
- 6 as follows:
- 7 a. For filing a petition, indictment, information,
- 8 appeal or writ of error and docketing them, twenty-
- 9 five dollars. Four dollars of the fee shall remain
- 10 in the county treasury for the use of the county and
- 11 twenty-one dollars of the fee shall be paid into the
- 12 state treasury. One dollar shall be deposited in
- 13 the judicial retirement fund created in section 605A.4
- 14 to be used to pay retirement benefits of the judicial
- 15 retirement system. The remainder of the fee shall
- 16 be deposited in the general fund of the state. In
- 17 counties having a population of one hundred thousand
- 18 or over, an additional one dollar shall be charged
- 19 and collected, to be known as the journal publication
- 20 fee and used for the purposes provided for in section
- 21 618.13.
- 22 Sec. 2. Section 331.705, subsection 1, paragraph
- 23 z, Code 1981 Supplement, is amended to read as follows:
- 24 z. For making out a transcript in a criminal case
- 25 appealed to the supreme court, for each one hundred
- 26 words page, fifty cents."

Spear of Lee offered the following amendment H—5215, to amendment H—5209, filed by him from the floor and moved its adoption:

H—5215

- 1 Amend amendment H—5209 to House File 2158 as
- 2 follows:
- 3 1. By striking lines 2 through 22 and inserting
- 4 in lieu thereof the following:
- 5 " . By inserting after line 14 the following:
- 6 "Sec. . Section 331.705, subsection 1, paragraph"."

A non-record roll call was requested.

The ayes were 57, nays 30.

Amendment H—5215 was adopted.

Schroeder of Pottawattamie asked for unanimous consent to withdraw amendment H—5209, as amended.

Objection was raised.

Schroeder of Pottawattamie moved to withdraw amendment H—5209, as amended.

A non-record roll call was requested.

The ayes were 79, nays 1.

The motion prevailed and amendment H—5209, as amended, was withdrawn.

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

On the question "Shall the bill pass?" (H.F. 2158)

The ayes were, 87:

Anderson, J.
Baxter
Bruner
Chiodo

Anderson, R.
Bennett
Byerly
Clark, B. J.

Arnould
Binneboese
Carl
Clark, J. H.

Avenson
Branstad
Carpenter
Clements

Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Davitt	Dieleman	Diemer	Doderer
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hanson, D.
Hoffmann-Bright	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Rosenberg	Running	Schnekloth
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, 8:

Danker	De Groot	Hansen, I.	Harbor
Holt	Renken	Schroeder	Welden

Absent or not voting, 5:

Brandt	Egenes	Miller	Tofte
Walter			

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

House File 2359, a bill for an act making records of court ordered support payments public records, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2359)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements

Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Jay
Jochum	Johnson, J.	Johnson, W.	Knapp
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 6:

Harbor	Hummel	Johnson, R.	Krewson
Schroeder	Sturgeon		

Absent or not voting, 4:

Brandt	Egenes	Miller	Walter
--------	--------	--------	--------

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

MOTION TO RECONSIDER LOST (Senate File 2080)

Ritsema of Sioux called up for consideration the motion to reconsider Senate File 2080, filed on February 19, 1982, and moved to reconsider the vote by which Senate File 2080, a bill for an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed, providing penalties, and making certain provisions effective April 1, 1982 after publication and other provisions effective January 1, 1983, passed the House on February 19, 1982.

A non-record roll call was requested.

The ayes were 16, nays 78.

The motion lost, placing out of order the motion to reconsider filed by Avenson of Fayette on February 19, 1982.

SENATE AMENDMENTS CONSIDERED

House Concurs

Ritsema of Sioux called up for consideration **House File 823**, a bill for an act relating to the requirements for giving a notice to cure in a consumer credit transaction, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5018

- 1 Amend House File 823 as passed by the House as
- 2 follows:
- 3 1. Page 2, lines 2 and 3, by striking the words
- 4 "to the extent of actual damages sustained,"
- 5 2. Page 2, lines 4 through 6, by striking the words
- 6 "If the court finds that the attachment was brought
- 7 maliciously, the consumer also may be awarded exemplary
- 8 damages."
- 9 3. Page 2, by striking lines 15 through 17
- 10 and inserting in lieu thereof the words "chapter 631,
- 11 the creditor shall not be found to be in violation
- 12 of this section for purposes of section 537.5201 and
- 13 the penalties provided in that section shall not apply
- 14 if the creditor proves by a preponderance of the
- 15 evidence that the creditor did not at the time of
- 16 the violation have either knowledge or reason to know
- 17 of the requirements of this section, and for this
- 18 purpose the court shall consider all relevant evidence,
- 19 including but not limited to the education or
- 20 experience of the creditor with respect to the
- 21 collection of debts arising from consumer credit
- 22 transactions and any representation of the creditor
- 23 by legal counsel and any legal advice rendered to
- 24 the creditor with respect to the collection of debts
- 25 arising from consumer credit transactions."

A non-record roll call was requested.

The ayes were 62, nays 26.

The motion prevailed and the House concurred in the Senate amendment H—5018.

Ritsema of Sioux 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. 823)

The ayes were, 74:

Anderson, J.	Anderson, R.	Bennett	Branstad
Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Cook	Corey	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Woods	Mr. Speaker		

The nays were, 19:

Arnould	Avenson	Baxter	Bruner
Chiodo	Connolly	Connors	Fey
Jay	Jochum	Lloyd-Jones	O'Kane
Pavich	Rapp	Rosenberg	Running
Sturgeon	Trucano	Welsh	

Absent or not voting, 7:

Binneboese	Brandt	Crabb	Doderer
Egenes	Miller	Walter	

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

Harbor of Mills called up for consideration **House File 829**, a bill for an act relating to the investigations, communications and reports of the citizens' aide office, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5129

- 1 Amend House File 829 as amended, passed and
- 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 26 and 27 and
- 4 inserting in lieu thereof the following: "sought
- 5 is required by law to be kept confidential, the agency
- 6 may refuse access until the citizens' aide demonstrates
- 7 that the document is relevant or material to an
- 8 investigation authorized under subsection 1. If the
- 9 citizens' aide is provided access to the confidential
- 10 document, the citizens' aide is subject to".

The motion prevailed and the House concurred in the Senate amendment H—5129.

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. 829)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Corey	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Loneragan	Mann
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellet
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Welsh	Woods
Mr. Speaker			

The nays were, 9:

Cook	Crabb	Johnson, J.	Maulsby
Renken	Smalley	Tyrrell	Van Maanen
Welden			

Absent or not voting, 6:

Brandt
Miller

Doderer
Walter

Egenes

Lloyd-Jones

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

HOUSE RECEDES

Hoffmann-Bright of Muscatine called up for consideration **Senate File 213**, a bill for an act relating to the members of the Iowa beer and liquor control council, and moved that the House recede from its amendment.

A non-record roll call was requested.

The ayes were 49, nays 45.

The motion prevailed and the House receded from its amendment.

Hoffmann-Bright of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 213)

The ayes were, 75:

Anderson, J.	Anderson, R.	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Danker	Davitt	Diemer	Fey
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Lind	Lloyd-Jones	Maulsby
Menke	Norland	O'Kane	Oxley
Pellett	Petrack	Poffenberger	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland

Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 18:

Arnould	Clark, B. J.	Clements	Daggett
De Groot	Dieleman	Gettings	Knapp
Lageschulte	Lonergan	Mann	McKean
Mullins	Pavich	Pelton	Poncy
Ritsema	Van Maanen		

Absent or not voting, 7:

Brandt	Doderer	Egenes	Howell
Krewson	Miller	Walter	

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

HOUSE CONCURRENT RESOLUTION 116

By Clements, Hanson of Delaware, Johnson of Howard, Mann, Lageschulte, Doderer, Trucano, Lonergan, Mullins, Renken, Maulsby, Johnson of Linn, Krewson, Branstad, Chiodo, Dieleman, Tyrrell, Fey, Halvorson of Clayton, Woods, Stueland, Rapp, Jochum, O'Kane, Sturgeon, Carpenter, Ritsema, Holt, Groth, Running, McKean, Anderson of Audubon, Petrick, Spear, Davitt, Cook, Gross, Renaud, Byerly, Howell, Arnould, Connors, Poffenberger, Walter, Clark of Cerro Gordo, Pelton, Knapp, Bruner, Poncy, Lloyd-Jones, Pavich, Harbor, Crabb, Connolly, Welsh, Binneboese, Carl, Smith, Baxter, Gettings, Jay, Halvorson of Webster, Sullivan, Hansen of O'Brien, Welden, Anderson of Jasper and Cochran.

- 1 *Whereas*, the federal government has burdened the
- 2 people of this country with a staggering national
- 3 public debt of approximately \$1,000,000,000,000; and
- 4 *Whereas*, the interest on the national public debt
- 5 is one of the largest items in the federal budget; and
- 6 *Whereas*, the current projected federal deficit is
- 7 the largest deficit in the history of our country; and
- 8 *Whereas*, the economic recovery of our state and
- 9 nation depend upon controlling deficit spending; and
- 10 *Whereas*, the elimination of deficit spending was a
- 11 major campaign theme of President Reagan; and
- 12 *Whereas*, the Reagan administration, in order to
- 13 curb excess spending, has reduced funding of many
- 14 domestic programs; and
- 15 *Whereas*, the defense budget has not been cut but
- 16 has been increased; and
- 17 *Whereas*, the defense budget can be reduced while
- 18 still maintaining national security, by reducing
- 19 program overruns and excessive spending and by

20 eliminating many bureaucratic positions; and

21 *Whereas, the Reagan administration promised the*
22 *American people quality government at reduced cost;*
23 *and*

24 *Whereas, we need not ignore fiscal responsibility*
25 *in our quest for a strong defense; Now Therefore,*

26 *Be It Resolved by the House of Representatives, the*
27 *Senate Concurring, That the General Assembly respectfully*
28 *requests that the President and the Congress of the*
29 *United States make meaningful cuts in the defense*
30 *budget, focusing on eliminating unnecessary bureaucratic*

Page 2

1 positions and reducing program overruns and excessive
2 spending, while maintaining a strong national defense;
3 and

4 *Be It Further Resolved, That the appropriate*
5 *agencies adopt tough disciplinary measures against*
6 *bureaucrats, project heads, individuals and companies*
7 *responsible for program overruns; and*

8 *Be It Further Resolved, That the appropriate*
9 *agencies restrict spending by upper military personnel*
10 *and corresponding bureaucrats to a more appropriate*
11 *level; and*

12 *Be It Further Resolved, That copies of this resolu-*
13 *tion be sent to the President of the United States,*
14 *the Iowa congressional delegation, the Secretary of*
15 *Defense, and the Director of the Office of Management*
16 *and Budget.*

Laid over under Rule 30.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2171, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws.

K. MARIE THAYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 23, 1982. Had I been present, I would have voted "aye" on House File 823.

BINNEBOESE of Plymouth

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 705 Human Resources

Family Policy statement encourages the use of evaluation techniques for future legislation.

S.B. 706 Transportation

To exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

Committee Bill (Formerly Study Bill 673, as amended), relating to a landlord's right of access to a tenant's dwelling unit.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 687, as amended), providing the Iowa Insurance Guaranty Association early access to assets of an insolvent insurer.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 540, as amended), relating to the reporting and evaluation of adult abuse, the provision of protective services, and providing penalties.

Fiscal Note is required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 618, as amended), regulating the activities of loan brokers and providing penalties.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 621), relating to kidnapping.

Fiscal Note is not required.

Committee Action **Failed to Pass**.

Committee Bill (Formerly Study Bill 655), revising the Iowa code of military justice including providing penalties.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 684, as amended), relating to the identification of the location of wells.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 690), to provide for the interest and earnings of the state fish and game protection fund.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON TRANSPORTATION

Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet

and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 575), relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5216 H.F. 2369

H-5217 S.F. 482

H-5218 H.F. 2369

H-5219 H.F. 2369

H-5220 H.F. 2363

Cochran of Webster

McKean of Jones

Mann of Greene

Pelton of Clinton

H-5221 H.F. 2357

Horn of Linn

Crabb of Crawford

Halvorson of Clayton

H-5222 H.F. 2363

Pellett of Cass

Anderson of Audubon

H-5223 H.F. 2369

H-5224 H.F. 2363

Johnson of Linn

Lloyd-Jones of Johnson

Poffenberger of Dallas

Ritsema of Sioux

Mullins of Kossuth

Norland of Worth

Tofte of Winneshiek

Ritsema of Sioux

Smalley of Polk

Byerly of Polk

Daggett of Taylor

Swearingen of Keokuk

Groth of Buena Vista

Anderson of Jasper

Hummel of Benton

De Groot of Lyon

Halvorson of Webster

Welsh of Dubuque

Welsh of Dubuque

Davitt of Warren

Sullivan of Van Buren

Cochran of Webster

Knapp of Dubuque

Byerly of Polk

Jay of Appanoose

H-5225 H.F. 2369

H—5226	H.F. 2363	Sullivan of Van Buren Cochran of Webster Knapp of Dubuque Welsh of Dubuque Davitt of Warren
H—5227	H.F. 2369	Rapp of Black Hawk
H—5228	H.F. 2363	Hummel of Benton Anderson of Audubon
H—5229	H.F. 2369	Ritsema of Sioux
H—5230	H.F. 2369	Halvorson of Clayton Lageschulte of Bremer Pelton of Clinton Harbor of Mills
H—5231	H.F. 2363	Davitt of Warren Sullivan of Van Buren Cochran of Webster Knapp of Dubuque Welsh of Dubuque
H—5232	H.F. 2363	Cochran of Webster Knapp of Dubuque Welsh of Dubuque Davitt of Warren Sullivan of Van Buren
H—5233	H.F. 2363	Davitt of Warren
H—5234	H.F. 2357	Schroeder of Pottawattamie
H—5235	H.F. 2369	Ritsema of Sioux
H—5236	H.F. 2369	Ritsema of Sioux
H—5237	H.F. 2171	Senate Amendment

On motion by Pope of Polk, the House adjourned at 12:00 noon,
until 9:00 a.m., Wednesday, February 24, 1982.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day—Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 24, 1982

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

Prayer was offered by House Page, Greg Watson, Glidden.

The Journal of Tuesday, February 23, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Christensen, Lake City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story, for the morning session, on request of Clark of Lee; Walter of Pottawattamie on request of Pavich of Pottawattamie.

HOUSE FILE 2218 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2218 and that the bill retain its place on the calendar.

INTRODUCTION OF BILLS

House File 2373, by committee on energy, a bill for an act relating to the continuation of the activities and functions of the energy policy council, changing the date of the submission of the council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district.

Read first time and placed on the calendar.

House File 2374, by committee on judiciary and law enforcement, a bill for an act relating to escape from a detention facility or institution and providing a penalty.

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

House File 2375, by committee on judiciary and law enforcement, a bill for an act relating to the crime of terrorism and providing a penalty.

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

House File 2376, by committee on education, a bill for an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication.

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

House File 2377, by committee on education, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties and providing that the Act takes effect upon its publication.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor offered the following amendment H—5221 filed by Daggett, et al., and moved its adoption:

H—5221

- 1 Amend House File 2357 as follows:
- 2 1. Page 1, line 23, by inserting before the word
- 3 "four" the words "four elected officers of school
- 4 corporations,".
- 5 2. Page 2, line 10, by striking the word "six"
- 6 and inserting in lieu thereof the word "eight".

A non-record roll call was requested.

The ayes were 59, nays 39.

Amendment H—5221 was adopted.

Swartz of Marshall offered the following amendment H—5207 filed by him and moved its adoption:

H—5207

- 1 Amend House File 2357 as follows:
- 2 1. Page 3, by striking line 25 and inserting in
- 3 lieu thereof the words "auditor of state shall".
- 4 2. Page 3, by striking line 29 and inserting in
- 5 lieu thereof the words and figure:
- 6 "2. The director of any state agency".

A non-record roll call was requested.

The ayes were 41, the nays 49.

Amendment H—5207 lost.

Schroeder of Pottawattamie offered the following amendment H—5234, filed by him and moved its adoption:

H—5234

- 1 Amend House File 2357, as follows:
- 2 1. By striking Page 3, line 32, through Page 4,
- 3 line 1, and inserting in lieu thereof the following:
- 4 "3. Members of the commission shall receive
- 5 actual and reasonable expenses, including travel at
- 6 the state rate set forth in section 18.117. In
- 7 addition to the reimbursement for expenses as provided
- 8 for in this section, members of the commission who are
- 9 not officers or members of local government under
- 10 section 2, subsection 2, paragraph a of this Act,
- 11 shall receive a per diem of forty dollars for each
- 12 day in which they are engaged in the performance of
- 13 the duties of the commission."

A non-record roll call was requested.

The ayes were 42, nays 44.

Amendment H--5234 lost.

Mann of Greene rose on a point of order to invoke House Rule 37 to refer House File 2357 to committee on ways and means.

The Speaker ruled the point not well taken and House Rule 37 not in order.

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

On the question "Shall the bill pass?" (H.F. 2357)

The ayes were, 70:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Knapp
Krewson	Lind	Lloyd-Jones	Loneragan
McKean	Menke	Mullins	Norland
O'Kane	Pelton	Poffenberger	Poncy
Pope	Rapp	Renaud	Rosenberg
Running	Schroeder	Shull	Smith
Spear	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Welden
Woods	Mr. Speaker		

The nays were, 26:

Branstad	Bruner	Byerly	Carl
Clements	Daggett	Danker	Hall
Harbor	Johnson, J.	Johnson, W.	Lageschulte
Mann	Maulsby	Oxley	Pavich
Pellett	Petrick	Penken	Ritsema
Schneklath	Smalley	Stueland	Tyrrell
Van Maanen	Welsh		

Absent or not voting, 4:

Anderson, R.	Egenes	Miller	Walter
--------------	--------	--------	--------

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

On motion by Pope of Polk, the House was recessed at 10:02 a.m., until 2:30 p.m.

HOUSE CONCURRENT RESOLUTION 117

By Brandt, Pelton, Howell and Ritsema

- 1 *Whereas*, the federal government has estimated that re-
2 using waste oil could reduce petroleum imports by about seventy
3 thousand barrels a day; and
4 *Whereas*, recycling used motor oil will cut down on the
5 incidence of land and water pollution caused by the improper
6 disposal of used motor oil; and
7 *Whereas*, the state should encourage the conservation of
8 limited resources by being a leader in programs to recycle
9 used motor oil; *Now Therefore*,
10 *Be It Resolved by the House of Representatives, the Senate*
11 *Concurring*, That the state departments of transportation and
12 environmental quality shall jointly conduct a study to deter-
13 mine the necessity and feasibility of the general assembly
14 enacting a law to require the collection of used oil from
15 state vehicles for sale to a commercial recycling facility.
16 The study shall examine the following:
17 1. Inclusion of county, city, and school district vehicles
18 under such a mandate.
19 2. Establishing a used oil collection system for the gen-
20 eral population.
21 3. Other incentives to encourage motor oil recycling.
22 4. Additional suggestions regarding roles the state might
23 play in a used oil recycling scheme.
24 5. Efforts of other states in promoting used oil recycling;
25 and
26 *Be It Further Resolved*, That the departments of transpor-
27 tation and environmental quality shall submit a report of
28 their findings and recommendations to the Seventieth General
29 Assembly upon its convening in 1983.

Laid over under Rule 30.

ANNOUNCEMENT BY THE SPEAKER

The Speaker appointed the following Representatives as the official delegation to the funeral services of the Honorable Kenneth Miller, Representative from Buchanan County: Stromer of Hancock, Avenson of Fayette, Cochran of Webster, Halvorson of Clayton, Hummel of Benton, Gettings of Wapello, Norland of Worth and Tofte of Winneshiek.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

The House stood at ease at 2:40 p.m., until the fall of the gavel.

The House resumed session at 4:20 p.m., Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2378, by committee on agriculture, a bill for an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

Read first time and placed on the calendar.

House File 2379, by committee on natural resources, a bill for an act to provide for the interest and earnings of the state fish and game protection fund.

Read first time and placed on the calendar.

House File 2380, by committee on commerce, a bill for an act providing the Iowa insurance guaranty association early access to assets of an insolvent insurer.

Read first time and placed on the calendar.

House File 2381, by committee on transportation, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

Read first time and placed on the calendar.

House File 2382, by committee on natural resources, a bill for an act relating to the identification of the location of wells.

Read first time and placed on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2355, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2355)

The ayes were, 77:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Bruner	Byerly
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Howell	Hummel
Jay	Johnson, J.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker			

The nays were, 21:

Arnould	Baxter	Brandt	Chiodo
Connors	Fey	Horn	Jochum
Johnson, R.	Lloyd-Jones	O'Kane	Pavich
Pelton	Poncy	Rapp	Renaud
Running	Smalley	Sturgeon	Trucano
Woods			

Absent or not voting, 2:

Miller

Walter

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

House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, with report of committee recommending passage was taken up for consideration.

Rapp of Black Hawk offered amendment H—5227 filed by him as follows:

H—5227

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Chapter 123, Code 1981, is amended
- 5 by adding the following new section:
- 6 **NEW SECTION. PRELIMINARY SCREENING TESTS AVAILABLE.**
- 7 Each commercial establishment holding a license or
- 8 permit under this chapter which allows the consumption
- 9 of an alcoholic beverage or beer on the premises shall
- 10 maintain a test machine and an adequate supply of
- 11 testing receptacles used for the preliminary screening
- 12 test under section 8 of this Act. The establishment
- 13 shall make the test available for use by its customers
- 14 and may impose a charge, not exceeding fifty cents,
- 15 for its use. The department shall assist licensees
- 16 and permittees in obtaining test machines and receptacles."

Conlon of Muscatine rose on a point of order that amendment H—5227 was not germane.

The Speaker ruled the point well taken and amendment H—5227 not germane.

Rapp of Black Hawk moved that the rules be suspended to consider amendment H—5227.

A non-record roll call was requested.

The ayes were 45, nays 51.

The motion lost.

Jay of Appanoose offered amendment H—5225 filed by him as follows:

H—5225

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, line 5, by inserting after the figure
- 3 "321.281" the words "by a person whose driver's license
- 4 has not been revoked under section 321.283 or chapter
- 5 321B for the occurrence from which the arrest arose".

The following amendment H—5248, to amendment H—5225, filed by Jay of Appanoose from the floor was adopted by unanimous consent:

H—5248

- 1 Amend amendment H—5225 as follows:
- 2 1. Page 1, line 5, by striking the word
- 3 "occurence" and inserting in lieu thereof the
- 4 word "occurrence".

Jay of Appanoose moved the adoption of amendment H—5225, as amended.

Amendment H—5225, as amended, was adopted.

Ritsema of Sioux offered the following amendment H—5235 filed by him and moved its adoption:

H—5235

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Sec. 3. Section 321.218, unnumbered paragraph
- 5 one, Code 1981, is amended to read as follows:
- 6 Any A person whose operator's or chauffeur's license
- 7 or driving privilege, has been denied, canceled,
- 8 suspended or revoked as provided in this chapter,
- 9 and who drives any motor vehicle upon the highways

10 of this state while ~~such~~ the license or privilege
11 is denied, canceled, suspended, or revoked, is guilty
12 of a simple serious misdemeanor. The sentence imposed
13 under this section shall not be suspended by the
14 court, notwithstanding the ~~provisions~~ of section 907.3
15 or any other ~~provision~~ of statute. The department,
16 upon receiving the record of the conviction of any
17 a person under this section upon a charge of driving
18 a motor vehicle while the license of ~~such~~ the person
19 was suspended or revoked, shall, except for licenses
20 suspended under section 321.513, extend the period
21 of suspension or revocation for an additional like
22 period, and the department shall not issue a new
23 license during ~~such~~ the additional period."

24 2. Page 4, line 9, by striking the words "
25 notwithstanding section 321.218".

26 3. Page 15, line 27, by striking the words "
27 notwithstanding section 321.218".

Amendment H—5235 was adopted.

Ritsema of Sioux offered amendment H—5236 filed by him as follows:

H—5236

1 Amend House File 2369 as follows:

2 1. Page 2, line 12, by striking the words "In
3 lieu of, or prior" and inserting in lieu thereof the
4 word "Prior".

5 2. Page 5, by striking lines 6 through 12 and
6 inserting in lieu thereof the following: "drivers
7 or complete treatment or rehabilitation services and
8 the person's drivers license is not revoked or
9 suspended at the time of the order, the court shall
10 also order that the revocation of the person's drivers
11 license shall be for an indefinite period and until
12 the required course or treatment or rehabilitation
13 services is successfully completed and proof of
14 completion has been filed with the department and
15 the provisions of chapter 321A have been complied
16 with. If the person's drivers license is revoked
17 or suspended at the time of the order, that revocation
18 or suspension shall not end prior to the completion
19 and proof of completion of the required course or
20 treatment or rehabilitation services."

21 3. Page 6, line 20, by striking the words "previous
22 revocation under section" and inserting in lieu thereof
23 the words "revocation within the previous six years
24 under section 321.209, subsection 2, section".

25 4. Page 11, line 6, by striking the words
26 "revocation or" and inserting in lieu thereof the
27 word "revocation,".

28 5. Page 11, line 7, by inserting after the figure
29 "321.281" the words and figures "or the person has
30 a previous revocation under section 321.281, subsection
31 6, or chapter 321B".

32 6. Page 12, by striking lines 31 and 32 and
33 inserting in lieu thereof the words and figure "or
34 who has been issued a twenty-day license pursuant
35 to section 9 of this".

36 7. Page 14, by striking lines 8 through 21 and
37 inserting in lieu thereof the words "temporary
38 restricted permit shall be granted only if the
39 department's denial is unsupported by substantial
40 evidence."

41 8. Page 16, by striking lines 10 and 11, and inserting
42 in lieu thereof the following: "trial informations,
43 conduct arraignments, accept guilty pleas, sentence
44 those pleading guilty and make appropriate orders
45 authorized by section 321.283. They shall have
46 power".

Ritsema of Sioux offered the following amendment H—5239, to amendment H—5236, filed by him from the floor and moved its adoption:

H—5239

1 Amend amendment H—5236 to House File 2369 as
2 follows:

3 1. Page 1, by inserting after line 46 the
4 following:

5 "9. Page 16, line 32, by striking the words "the
6 person's driving record"."

Amendment H—5239 was adopted.

Ritsema of Sioux moved the adoption of amendment H—5236, as amended.

Amendment H—5236, as amended, was adopted.

Johnson of Linn offered the following amendment H—5216 filed by him and moved its adoption:

H—5216

- 1 Amend House File 2369 as follows:
- 2 1. Page 2, by striking lines 28 through 30 and
- 3 inserting in lieu thereof the following:
- 4 "5. The court in pronouncing sentence shall provide
- 5 as to the period during which a new license to operate
- 6 a motor vehicle shall not be issued to the defendant.
- 7 Notwithstanding section 321.212, the period shall
- 8 be as follows:
- 9 a. Not less than two hundred seventy days for
- 10 conviction of a first offense under this section.
- 11 b. Not less than one year for conviction of a
- 12 second offense under this section.
- 13 c. Not less than two years for conviction of a
- 14 third or subsequent offense under this section.
- 15 The clerk of court shall immediately certify to the
- 16 department a true copy of the judgment sentencing
- 17 the defendant under this section. The department
- 18 may receive an application for and shall grant a new
- 19 license at the expiration of the period provided in
- 20 the judgment of the court notwithstanding sections
- 21 321.177 and 321.212."

A non-record roll call was requested.

The ayes were 40, nays 54.

Amendment H—5216 lost.

Johnson of Linn offered the following amendment H—5208 filed by him and moved its adoption:

H—5208

- 1 Amend House File 2369 as follows:
- 2 1. Page 2, by striking line 34 and inserting in
- 3 lieu thereof the words "for a period of two hundred
- 4 seventy".

A non-record roll call was requested.

The ayes were 46, nays 47.

Amendment H—5208 lost.

Johnson of Linn offered the following amendment H—5211 filed by him. Division was requested as follows:

H-5211

- 1 Amend House File 2369 as follows:

H-5211A

- 2 1. Page 3, by striking lines 5 through 12 and
3 inserting in lieu thereof the words "order deferring
4 judgment."

H-5211B

- 5 2. Page 5, by inserting after line 12 the
6 following:
7 "Sec. . Section 321.283, subsection 6, Code
8 1981, is amended by striking the subsection."

H-5211C

- 9 3. Page 7, by striking lines 6 through 15.

H-5211D

- 10 4. Page 10, by striking line 33 through page 11,
11 line 24.
12 5. Page 12, line 29, by striking the word "whose".
13 6. Page 12, by striking lines 30 through 33 and
14 inserting in lieu thereof the following: "or has
15 been issued a temporary license pursuant to section
16 9 of this Act or section 321B.7, the director
17 department shall grant".
18 7. Page 13, line 21, by striking the word and
19 figure "1. JURISDICTION."
20 8. Page 13, by striking line 28 through page 14,
21 line 32 and inserting in lieu thereof the words
22 "administrative hearing was held."
23 9. By renumbering the sections and correcting
24 internal references to conform with this amendment.

(House File 2369 and amendment H-5211A pending at adjournment.)

HOUSE RULE 41 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 41, to exceed the filing time of amendments to House File 2171 for the clip sheet.

MOTIONS TO RECONSIDER
(House File 2357)

I move to reconsider the vote by which House File 2357 passed the House on February 24, 1982.

SMITH of Scott

(House File 2357)

I move to reconsider the vote by which House File 2357 passed the House on February 24, 1982.

SCHROEDER of Pottawattamie

(House File 2357)

I move to reconsider the vote by which House File 2357 passed the House on February 24, 1982.

DE GROOT of Lyon

SPONSOR ADDED
(House Joint Resolution 2002)

Pope of Polk requested to be added as a sponsor of House Joint Resolution 2002.

COMMUNICATION RECEIVED

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

IOWA BUREAU OF LABOR

A biennial report, pursuant to Chapter 91.4 (5), Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 707 Ways and Means

To increase the rate of the excise tax on gasohol and making the Act effective upon publication.

S.B. 708 Ways and Means

To disallow the deduction of the federal windfall profits taxes in computing state income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

S.B. 709 Ways and Means

To repeal the budget limitations imposed on certain political subdivisions of the state for the fiscal years beginning July 1, 1976 and ending June 30, 1979.

S.B. 710 Agriculture

Requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

S.B. 711 Agriculture

Relating to civil liability for damages sustained as a result of violations of certain laws relating to animal health and movement of livestock.

S.B. 712 Commerce

Providing for judicial review of rate-regulatory decisions of the commerce commission by the supreme court.

S.B. 713 Transportation

To allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 679), to change the sheep producers' representative on the agriculture marketing board.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 629), relating to the date of the annual organization meeting of the board of directors of an area education agency.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 630), permitting merged areas to combine the positions of secretary and treasurer.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 639), repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the state educational radio or television facility board for television production, television transmission, or closed circuit television transmission.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 2282, as amended), to allow the secretary of state to appoint as a notary public a resident of a border state working in Iowa.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 681), relating to the status and statutory responsibilities of legal or administrative entities created by agreement under chapter 28E.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H-5241	H.F. 2343	Renaud of Polk Swartz of Marshall Byerly of Polk Woods of Polk Connors of Polk
H-5242	H.F. 2171	Bruner of Story
H-5243	H.F. 2066	Shull of Warren
H-5244	H.F. 2171	Rapp of Black Hawk
H-5245	S.F. 2084	Hanson of Delaware Bruner of Story
H-5246	H.F. 2363	Cochran of Webster Knapp of Dubuque Welsh of Dubuque Davitt of Warren Sullivan of Van Buren
H-5247	H.F. 2171	Schroeder of Pottawattamie
H-5249	H.F. 2171	Bruner of Story Rapp of Black Hawk
H-5250	H.F. 2171	Tyrrell of Iowa
H-5251	H.F. 2171	Avenson of Fayette Chiodo of Polk
H-5252	H.F. 2171	Chiodo of Polk Norland of Worth Hall of Linn Davitt of Warren Byerly of Polk
		Anderson of Jasper Avenson of Fayette Sullivan of Van Buren Cochran of Webster

On motion by Pope of Polk, the House adjourned at 5:40 p.m., until 9:00 a.m., Thursday, February 25, 1982.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day—Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 25, 1982

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

Prayer was offered by Father Thomas Hart, pastor of St. Mary's Catholic Church, Storm Lake.

The Journal of Wednesday, February 24, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Patricia Connell, Waterloo.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Pavich of Pottawattamie.

INTRODUCTION OF BILLS

House File 2383, by committee on state government, a bill for an act relating to the requirements for certification as an ophthalmic dispenser.

Read first time and placed on the calendar.

House File 2384, by committee on agriculture, a bill for an act to change the sheep producer's representative on the agriculture marketing board.

Read first time and placed on the calendar.

House File 2385, by committee on judiciary and law enforcement, a bill for an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification.

Read first time and placed on the calendar.

House File 2386, by committee on state government, a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E.

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

House File 2387, by committee on county government, a bill for an act relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act.

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

House File 2388, by committee on education, a bill for an act repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the state educational radio or television facility board for television production, television transmission, or closed circuit television transmission.

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

House File 2389, by committee on cities, a bill for an act relating to a landlord's right of access to a tenant's dwelling unit.

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

House File 2390, by committee on education, a bill for an act permitting merged areas to combine the positions of secretary and treasurer.

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

House File 2391, by committee on state government, a bill for an act to limit payment of per diem and expenses at special sessions to members of the general assembly who are in attendance and file claims.

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

House File 2392, by committee on judiciary and law enforcement, a bill for an act revising the Iowa code of military justice including providing penalties.

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **House File 2369**, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, and amendment H—5211A found on page 533 of the House Journal.

Speaker pro tempore Menke of O'Brien in the chair at 9:23 a.m.

Johnson of Linn moved the adoption of amendment H—5211A.

Roll call was requested by Cook of Hardin and Tyrrell of Iowa.

On the question "Shall amendment H—5211A be adopted?"

The ayes were, 49:

Baxter	Bennett	Binneboese	Branstad
Chiodo	Clements	Connors	Cook
Crabb	Daggett	Danker	De Groot
Dieleman	Doderer	Gettings	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Oxley	Pellett	Petrick
Poncy	Renaud	Renken	Schnekloth
Smith	Stueland	Sturgeon	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker (Menke)			

The nays were, 37:

Anderson, J.	Arnould	Avenson	Brandt
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly

Davitt	Diemer	Fey	Groth
Hall	Howell	Jay	Jochum
Knapp	Krewson	Mullins	Norland
O'Kane	Pavich	Poffenberger	Pope
Rapp	Ritsema	Rosenberg	Shull
Smalley	Spear	Sullivan	Swartz
Trucano			

Absent or not voting, 14:

Anderson, R.	Byerly	Corey	Egenes
Gross	Lind	Miller	Pelton
Running	Schroeder	Stromer	Walter
Welsh	Woods		

Amendment H—5211A was adopted.

Johnson of Linn moved the adoption of amendment H—5211B.

Amendment H—5211B was adopted.

Johnson of Linn moved the adoption of amendment H—5211C.

Roll call was requested by Johnson of Linn and Ritsema of Sioux.

Rule 80 was invoked.

On the question "Shall amendment H—5211C be adopted?"

The ayes were, 47:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Branstad	Chiodo	Clark, J. H.	Clements
Cochran	Cook	Crabb	Daggett
Danker	De Groot	Dieleman	Doderer
Gettings	Gross	Groth	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Johnson, R.	Johnson, W.
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Pellett
Pelton	Petrick	Renken	Schnekloth
Smith	Stueland	Sullivan	Tofte
Tyrrell	Van Maanen	Mr. Speaker (Menke)	

The nays were, 49:

Arnould	Avenson	Baxter	Brandt
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Conlon	Connolly	Connors
Corey	Davitt	Diemer	Fey
Hall	Halvorson, R. A.	Hanson, D.	Howell
Jay	Jochum	Johnson, J.	Knapp
Krewson	Mullins	Norland	O'Kane
Oxley	Pavich	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Rosenberg	Running	Shull	Smalley
Spear	Stromer	Sturgeon	Swartz
Swearingen	Trucano	Welden	Welsh
Woods			

Absent or not voting, 4:

Egenes	Miller	Schroeder	Walter
--------	--------	-----------	--------

Amendment H—5211C lost.

On motion by Pope of Polk, the House was recessed at 9:59 a.m., until 1:30 p.m.

(House File 2369 pending at recess.)

HOUSE CONCURRENT RESOLUTION 118 By Committee on Human Resources

- 1 *Whereas*, the state recognizes the primary nature
- 2 of the family as a unit and its responsibility for
- 3 the physical and emotional care of its members; and
- 4 *Whereas*, the state recognizes and respects the
- 5 diversity of contexts within which families may exist;
- 6 and
- 7 *Whereas*, the policies of state government shall be
- 8 directed at enhancing the integrity and stability of
- 9 the family; and
- 10 *Whereas*, the policy of the state shall be directed
- 11 at providing support in those areas where the family
- 12 is having difficulty. When the family finds it
- 13 difficult to perform some of its responsibilities
- 14 the state's policy shall be to encourage the family to
- 15 perform as many of its supportive functions as
- 16 possible. Families themselves shall be included in
- 17 determining the solutions to the problems affecting
- 18 them; and
- 19 *Whereas*, the rights of individuals to mental,

20 emotional and physical well-being shall be safe-
21 guarded; and

22 *Whereas*, it shall be the policy of the state to
23 enable and encourage neighborhood, church and local
24 community-based resources wherever possible to
25 provide a variety of supports to the family;
26 and

27 *Whereas*, the actions of government in Iowa should
28 be directed at strengthening families; and

29 *Whereas*, the 1980 Legislative Policy on the Family
30 Subcommittee adopted ten criteria to be used by the

Page 2

1 House and Senate Committees on Human Resources when
2 examining legislation affecting families; *Now*

3 *Therefore*,

4 *Be It Resolved by the House of Representatives, the*
5 *Senate Concurring*, That legislators, legislative com-
6 mittees and subcommittees, and private citizens' groups
7 are urged to use said criteria to evaluate the impact
8 of proposed legislation on Iowa families with primary
9 consideration for the stability and well-being of Iowa
10 families.

Laid over under Rule 30.

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 eighty-eight members present, twelve absent.

The House stood at ease at 1:40 p.m., until the fall of the gavel.

The House resumed session at 2:35 p.m., Speaker Stromer in the chair.

QUORUM CALL

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

HOUSE FILE 2369 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on House File 2369 and that the bill retain its place on the calendar.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Avenson of Fayette offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Kenneth D. Miller of Buchanan County, Iowa, who was a member of the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth, and Sixty-ninth General Assemblies, passed away February 23, 1982; Now Therefore,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Avenson of Fayette, Daggett of Taylor and Gettings of Wapello.

SENATE AMENDMENT CONSIDERED
(House Concurs)

Shull of Warren called up for consideration **House File 2171**, a bill for an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, making an appropriation, and making certain provisions of the Act retroactive and making the Act effective upon publication, amended by the Senate amendment H—5237, as follows:

H—5237

- 1 Amend House File 2171 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 11, by inserting after the word
- 4 "nonresident" the words ", including resident and

5 nonresident estates and trusts.”

6 2. Page 1, line 12, by inserting after the word
7 “preference” the word “items”.

8 3. Page 1, line 20, by striking the word
9 “preferences” and inserting in lieu thereof the word
10 “preference items”.

11 4. By striking page 2, line 28 through page 3,
12 line 10.

13 5. Page 3, by striking lines 11 through 27.

14 6. Page 4, by striking lines 10 through 16 and
15 inserting in lieu thereof the following: “1981.
16 The maximum allowable deduction, other than for travel
17 expense, shall not exceed fifty dollars per day, where
18 the taxpayer elects on the Iowa return to be governed
19 by Section 604 of the tax reform Act of 1976, as
20 amended up to and including December 31, 1980, unless
21 the taxpayer itemized expenses.”.

22 7. Page 4, by inserting after line 16 the following
23 new section:

24 “Sec. 10. Section 422.7, Code 1981, is amended
25 by adding the following new subsection:

26 NEW SUBSECTION. Add the amounts deducted as a
27 result of the treatment provided sale-leaseback
28 agreements under section 168 (f) (8) of the Internal
29 Revenue Code of 1954 to the extent that the amounts
30 deducted are not otherwise deductible under the
31 provisions of the Internal Revenue Code of 1954.”

32 8. Page 5, by striking lines 21 through 35 and
33 inserting in lieu thereof the following new section:

34 “Sec. 14. Section 422.33, unnumbered paragraph
35 4, Code 1981, is amended to read as follows:

36 On taxable income of between one hundred thousand
37 dollars or more and two hundred fifty thousand dollars
38 or any part thereof, the rate of ten percent.

39 On taxable income of two hundred fifty thousand
40 dollars or more, the rate of twelve percent.”

41 9. Page 6, by inserting after line 9 the following
42 new section:

43 “Sec. 16. Section 422.35, Code 1981, is amended
44 by adding the following new subsection:

45 NEW SUBSECTION. Add the amounts deducted as a
46 result of the treatment provided sale-leaseback
47 agreements under section 168 (f) (8) of the Internal
48 Revenue Code of 1954 to the extent that the amounts
49 deducted are not otherwise deductible under the other
50 provisions of the Internal Revenue Code of 1954.”

Page 2

1 10. Page 6, by inserting after line 9 the following
2 new section:

3 "Sec. 17. Section 422.60, Code 1981, is amended
4 by adding the following new unnumbered paragraph:
5 NEW UNNUMBERED PARAGRAPH. In addition to all taxes
6 imposed under this division, there is imposed upon
7 each financial institution doing business within the
8 state a state minimum tax for tax preference items
9 equal to twenty-five percent of the state's apportioned
10 share of the federal minimum tax. The state's
11 apportioned share of the federal minimum tax is a
12 percent equal to the ratio of the federal minimum
13 tax on preferences attributable to Iowa to the federal
14 minimum tax on all preferences. The director shall
15 prescribe rules for the determination of the amount
16 of the federal minimum tax on preferences attributable
17 to Iowa which shall be based as much as equitably
18 possible on the allocation and apportionment provisions
19 of section 422.63. For purposes of this subsection,
20 "federal minimum tax" means the federal minimum tax
21 for tax preferences computed and paid or payable under
22 sections 55 through 58 of the Internal Revenue Code
23 of 1954, as amended to and including January 1, 1982."

24 11. Page 6, by inserting after line 9 the
25 following:

26 "Sec. . Chapter 422, division VI, Code 1981,
27 is amended by adding the following new section:
28 NEW SECTION. Nothing in this chapter shall be
29 construed to require the Iowa state commerce commission
30 to allow or require the use of any particular method
31 of accounting by any public utility to compute its
32 tax expense, depreciation expense, or operating expense
33 for purposes of establishing its cost of service for
34 rate-making purposes and for reflecting operating
35 results in its regulated books of account."

36 12. Page 8, lines 26 through 31, by striking the
37 words ", provided that if sufficient funds are not
38 appropriated to pay in full the amounts certified
39 to the state comptroller pursuant to section 19 of
40 this Act, the state comptroller shall prorate the
41 appropriation among the county treasurers and notify
42 the county treasurers of the prorate percentage on
43 or before September 1".

44 13. Page 10, line 35, by striking the word "may"
45 and inserting in lieu thereof the word "shall".

46 14. Page 11, line 2, by inserting after the word
47 "year" the words and figures "to March 31, 1982".

48 15. Page 11, line 3, by striking the figure "4,"
49 and inserting in lieu thereof the figure "5,".

50 16. Page 11, line 3, by striking the word and

Page 3

- 1 figures "12, and 14" and inserting in lieu thereof
- 2 the word and figures "10, 12, 14, and 16".
- 3 17. Page 11, line 6, by striking the figure "5,"
- 4 and inserting in lieu thereof the figure "4,".
- 5 18. Page 11, line 6, by inserting after the figure
- 6 "13," the figure "17,".
- 7 19. Amend the title, lines 7 through 9, by striking
- 8 the words "reducing the deduction for federal taxes
- 9 from state corporate taxable income" and inserting
- 10 in lieu thereof the words "increasing the state
- 11 corporate tax rates".
- 12 20. Title page, line 10, by inserting after the
- 13 word "appropriation," the words "specifying that no
- 14 provision of the state income tax law requires the
- 15 state commerce commission to allow or require a
- 16 particular method of accounting by public utilities,".
- 17 21. Renumber sections and correct internal
- 18 references as are necessary in accordance with this
- 19 amendment.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on amendment H—5247, to the Senate amendment H—5237.

Bruner of Story asked and received unanimous consent to temporarily defer action on amendment H—5249, to the Senate amendment H—5237.

Avenson of Fayette offered amendment H—5251, to the Senate amendment H—5237, filed by Avenson and Chiodo as follows:

H—5251

- 1 Amend the Senate amendment, H—5237, to House File
- 2 2171 as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 12 the
- 5 following:
- 6 " . Page 3, by inserting after line 10 the
- 7 following new section:
- 8 "Sec. 8. Section 422.7, Code 1981, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. If there is an unobligated state
- 11 general fund balance on June 30, 1982, as certified
- 12 by the state comptroller by September 10, 1982 of
- 13 the fiscal year beginning in that calendar year of
- 14 twenty million dollars or less, an amount equal to

15 the deduction allowed under section 168 of the Internal
16 Revenue Code of 1954 shall be allowed on the first
17 thirty thousand and eighty percent of any amount in
18 excess of thirty thousand on that recovery property
19 eligible for the deduction for any tax year beginning
20 on or after January 1, 1982 and ending on or before
21 June 30, 1983. This subsection is also applicable
22 to taxpayers filing returns under Divisions III and
23 V of this chapter." "

Avenson of Fayette offered the following amendment H—5254, to amendment H—5251, (to the Senate amendment H—5237) filed by him from the floor and moved its adoption:

H—5254

- 1 Amend the Avenson and Chiodo amendment, H—5251,
- 2 to the Senate amendment, H—5237, to House File 2171,
- 3 as amended, passed and reprinted by the House, as
- 4 follows:
- 5 1. Page 1, line 19, by striking the word "any"
- 6 and inserting in lieu thereof the word "the".
- 7 2. Page 1, lines 20 and 21, by striking the words
- 8 "and ending on or before June 30, 1983" and inserting
- 9 in lieu thereof the word "only".

Amendment H—5254, to amendment H—5251, (to the Senate amendment H—5237) was adopted.

Halvorson of Clayton rose on a point of order that amendment H—5251, as amended, to the Senate amendment H—5237, was not germane.

The Speaker ruled the point well taken and amendment H—5251, as amended, to the Senate amendment H—5237, not germane.

Avenson of Fayette moved that the rules be suspended to adopt amendment H—5251, as amended, to the Senate amendment H—5237.

A non-record roll call was requested.

The ayes were 40, nays 53.

The motion lost.

Rapp of Black Hawk offered amendment H—5244, to the Senate amendment H—5237, filed by him as follows:

H-5244

1 Amend the Senate amendment, H-5237, to House File
2 2171 as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 1, by inserting after line 31 the
5 following:

6 " . Page 4, by inserting after line 30 the
7 following new section:

8 "Sec. 40. Section 422.12, Code 1981, is amended
9 by inserting after subsection 2 the following new
10 subsection:

11 NEW SUBSECTION. A credit equal to ten percent
12 of the qualified wages paid to qualified employees
13 by the taxpayer during the tax year. However, the
14 credit shall not exceed ten percent of the wages paid
15 to an equal number of the lowest paid employees or
16 the amount of the total increase in wages paid by
17 the taxpayer during the tax year, over the previous
18 tax year. As used in this subsection, unless the
19 context otherwise requires:

20 a. "Qualified wages" means that amount of wages
21 paid to qualified employees up to and including eight
22 thousand dollars during the tax year.

23 b. "Qualified employee" means an employee hired
24 by the taxpayer to perform services for the taxpayer
25 within this state on a part-time or full-time basis
26 during the tax year and whose employment by the
27 taxpayer increases the total number of employees
28 employed by the taxpayer to a number which exceeds
29 the threshold employee level. A qualified employee
30 shall not include any person related to the taxpayer
31 within the second degree by consanguinity or affinity.
32 If the taxpayer is a corporation, the qualified
33 employee shall not include any person related to the
34 taxpayer's officers within the second degree by
35 consanguinity or affinity.

36 c. "Threshold employee level" means the highest
37 number of employees listed on the most recent report
38 submitted to the department of revenue by the taxpayer.
39 If the trade or business of the taxpayer begins
40 operation during the tax year for which the credit
41 is claimed, the threshold employee level is zero.

42 The credit allowed under this subsection shall
43 be allowed only for the tax year beginning on or after
44 January 1, 1982 but not after December 31, 1982, and
45 the tax year beginning on or after January 1, 1983
46 but not after December 31, 1983.

47 The credit allowed under this subsection may, at
48 the election of the taxpayer, be credited against
49 the tax imposed under division III of this chapter." "

50 2. Page 1, by inserting after line 50 the

Page 2

- 1 following:
 2 " . Page 6, by inserting after line 9 the
 3 following new section:
 4 "Sec. 50. Section 422.38, Code 1981, is amended
 5 to read as follows:
 6 422.38 STATUTES GOVERNING CORPORATIONS. All the
 7 provisions of sections Sections 10 of this Act and
 8 422.15 to 422.22 of division II, insofar as the same
 9 they are applicable, ~~shall~~ apply to corporations
 10 taxable under this division." "
 11 3. Page 2, by inserting after line 35 the
 12 following:
 13 " . By striking page 6, line 21 through page
 14 9, line 6."
 15 4. Page 3, line 2, by striking the word and figure
 16 "and 16" and inserting in lieu thereof the word and
 17 figures "16, 40, and 50".
 18 5. Page 3, by inserting after line 16 the
 19 following:
 20 " . Amend the title, lines 5 and 6, by striking
 21 the words "providing for the assessment of computers
 22 and machinery used in manufacturing," and inserting
 23 in lieu thereof the words "providing a tax credit
 24 for increasing employment,"."

Shull of Warren rose on a point of order that amendment H—5244, to the Senate amendment H—5237, was not germane.

The Speaker ruled the point well taken and amendment H—5244, to the Senate amendment H—5237, not germane.

Rapp of Black Hawk moved that the rules be suspended to adopt amendment H—5244, to the Senate amendment H—5237.

Roll call was requested by Rapp of Black Hawk and Connolly of Dubuque.

On the question "Shall the rules be suspended to adopt amendment H—5244, to the Senate amendment H—5237?"

The ayes were, 42:

Anderson, R.
 Binneboese
 Carl
 Davitt

Arnould
 Brandt
 Chiodo
 Dieleman

Avenson
 Bruner
 Cochran
 Doderer

Baxter
 Byerly
 Connolly
 Fey

Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Knapp	Lloyd-Jones	Loneragan	McKean
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Welsh		

The nays were, 52:

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

Absent or not voting, 6:

Carpenter	Connors	Krewson	Miller
Walter	Woods		

The motion lost.

Bruner of Story offered the following amendment H-5242, to the Senate amendment H-5237, filed by him and moved its adoption:

H-5242

- 1 Amend the Senate amendment, H-5237, to House File
- 2 2171, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 40 the
- 5 following:
- 6 " . Page 6, by inserting after line 9 the
- 7 following new section:
- 8 "Sec. 50. Section 422.35, Code 1981, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. The deduction for depreciation
- 11 under section 168 of the Internal Revenue Code of
- 12 1954 on ten-year public utility recovery property

13 and fifteen-year public utility recovery property
14 as defined in section 168 of the Internal Revenue
15 Code of 1954 is not applicable in computing Iowa net
16 income but such property shall be subject to
17 depreciation under section 167 of the Internal Revenue
18 Code of 1954 in computing Iowa net income retroactive
19 to January 1, 1981 for tax years beginning on or after
20 January 1, 1981." "
21 2. Renumber sections and correct internal
22 references as are necessary in accordance with this
23 amendment.

A non-record roll call was requested.

The ayes were 42, nays 51.

Amendment H—5242, to the Senate amendment H—5237, lost.

Chiodo of Polk offered amendment H—5252, to the Senate amendment H—5237, filed by Chiodo, et al., as follows:

H—5252

1 Amend the Senate amendment, H—5237, to House File
2 2171, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 2, by inserting after line 35 the
5 following:
6 " . Page 6, line 26, by striking the word
7 "thirty" and inserting in lieu thereof the word
8 "fifty".
9 2. Page 2, by inserting after line 43 the
10 following:
11 " . Page 9, by inserting after line 6 the
12 following:
13 "Sec. . NEW SECTION. DEFINITIONS. As used
14 in this chapter unless the context otherwise requires:
15 1. "Small business" means a business entity
16 organized for profit, including but not limited to
17 an individual, partnership, corporation, joint venture,
18 association or cooperative, to which the following
19 apply:
20 a. It is not an affiliate or subsidiary of a
21 business dominant in its field of operation.
22 b. It has either twenty or fewer full-time
23 employees or not more than one million dollars in
24 annual gross revenues in the preceding fiscal year.
25 c. It does not involve the operation of a farm
26 and does not involve the practice of a profession.

27 For purposes of this definition "dominant in its
28 field of operation" means having more than twenty
29 full-time employees and more than one million dollars
30 in annual gross revenues, and "affiliate or subsidiary
31 of a business dominant in its field of operation"
32 means a business which is at least twenty percent
33 owned by a business dominant in its field of operation,
34 or by partners, officers, directors, majority
35 stockholders, or their equivalent, of a business
36 dominant in that field of operation.

37 2. "Small business loan" or "loan" means a loan,
38 either secured or unsecured, which provides capital
39 for establishing, operating, or expanding a small
40 business.

41 3. "Interest subsidy fund" or "fund" means the
42 fund administered by the Iowa housing finance
43 authority.

44 Sec. . NEW SECTION. INTEREST SUBSIDY. There
45 is appropriated from the general fund of the state
46 for the fiscal period beginning July 1, 1982 and
47 ending June 30, 1987 the sum of two million (2,000,000)
48 dollars to be credited to the "interest subsidy fund"
49 which is hereby created. The Iowa housing finance
50 authority shall administer the fund. Under the

Page 2

1 authority's direction, moneys in the fund shall be
2 used to pay banks an amount equal to four cents on
3 the hundred by year of the principal amount of a loan
4 to a small business. The authority shall distribute
5 payment to banks under this section in the order in
6 which banks provide evidence that a small business
7 loan has been closed. As used in this section, a
8 loan is closed when the loan application has been
9 accepted and agreement has been reached on all terms
10 of the loan except the rate of interest. However,
11 the Iowa housing finance authority shall not subsidize
12 interest on combined loans of more than twenty-five
13 million dollars and no interest subsidy shall be paid
14 on a loan which extends for a period of more than
15 five years.

16 Sec. . Chapter 220, Code 1981, is amended by
17 adding the following new section:

18 NEW SECTION. INTEREST SUBSIDY FUND ADMINISTRATION.
19 The authority shall administer the interest subsidy
20 fund." "

Chiodo of Polk offered the following amendment H—5255, to amendment H—5252, (to the Senate amendment H—5237) filed by him from the floor and moved its adoption:

H—5255

- 1 Amend the Chiodo, et al amendment, H—5252, to
- 2 the Senate amendment, H—5237, to House File 2171,
- 3 as amended, passed and reprinted by the House as
- 4 follows:
- 5 1. Page 2, line 12, by striking the words
- 6 "twenty-five" and inserting in lieu thereof the
- 7 words "fifty".

Amendment H—5255, to amendment H—5252, (to the Senate amendment H—5237) was adopted.

Shull of Warren rose on a point of order that amendment H—5252, as amended, to the Senate amendment H—5237, was not germane.

The Speaker ruled the point well taken and amendment H—5252, as amended, to the Senate amendment H—5237, not germane.

Chiodo of Polk moved that the rules be suspended to adopt amendment H—5252, as amended, to the Senate amendment H—5237.

Roll call was requested by Chiodo of Polk and Anderson of Jasper.

On the question "Shall the rules be suspended to adopt amendment H—5252, as amended, to the Senate amendment H—5237?"

The ayes were, 41:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
McKean	Norland	O'Kane	Oxley
Pavich	Poncy	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz			

The nays were, 55:

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

Absent or not voting, 4:

Krewson	Miller	Walter	Woods
---------	--------	--------	-------

The motion lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5250, to the Senate amendment H—5237, filed by him on February 24, 1982.

Bruner of Story asked and received unanimous consent to withdraw amendment H—5262, to amendment H—5249, (to the Senate amendment H—5237) filed by him from the floor.

Bruner of Story offered the following amendment H—5249, to the Senate amendment H—5237, filed by Bruner and Rapp and moved its adoption:

H—5249

- 1 Amend the Senate amendment, H—5237, to House
- 2 File 2171, as amended, passed, and reprinted by the
- 3 House, as follows:
- 4 1. Page 1, by striking line 12, and inserting
- 5 in lieu thereof the following: "line 10 and inserting
- 6 in lieu thereof the following:
- 7 "Sec. 7. Section 422.7, Code 1981, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. The deduction for contributions
- 10 to an individual retirement account provided by
- 11 section 219 of the Internal Revenue Code of 1954 is
- 12 not applicable in computing Iowa net income for tax

13 years beginning on or after January 1, 1986. The
14 deduction for contributions to an individual retire-
15 ment account provided by section 219 or 220 of the
16 Internal Revenue Code of 1954, as amended up to and
17 including January 1, 1981 is allowable in computing
18 Iowa net income for tax years beginning on or after
19 January 1, 1986. Distributions or payments from an
20 individual retirement account shall be included in
21 net income by the payee or distributee in the tax
22 year received. However, that portion of the
23 distribution or payment which has previously been
24 included in Iowa net income under this subsection
25 shall not be included in the payee or distributee's
26 Iowa net income in the tax year received.

27 The Iowa development commission shall study the
28 feasibility and desirability of placing restrictions
29 on the investment of funds in individual retirement
30 accounts in order for them to be eligible for con-
31 tinued tax deferred status for contributions into
32 accounts made after December 1, 1985. Specifically,
33 the commission shall study the feasibility of re-
34 quiring a portion of the portfolio to be invested in
35 instruments which encourage the financing of home
36 mortgages and of providing financial loans, including
37 equity financing, to small businesses, which will
38 improve the business climate and speed economic
39 growth. The commission may seek the assistance and
40 advice of the superintendent of banking and other
41 state agency officials with investment expertise.
42 The commission shall submit its findings and
43 recommendations to the general assembly not later
44 than January 1, 1984." "

Amendment H—5249, to the Senate amendment H—5237, lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5247, to the Senate amendment H—5237, filed by him on February 24, 1982.

Doderer of Johnson asked for unanimous consent to suspend House Rule 36.8 to consider amendment H—5264, to the Senate amendment H—5237, filed by Doderer, Connors and Groth from the floor.

Objection was raised.

Doderer of Johnson moved to suspend House Rule 36.8 to consider amendment H—5264, to the Senate amendment H—5237.

A non-record roll call was requested.

The ayes were 41, nays 53.

The motion lost.

The House stood at ease at 4:23 p.m., until the fall of the gavel.

The House resumed session at 5:05 p.m., Speaker Stromer in the chair.

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 to consider amendment H—5264, to the Senate amendment H—5237, filed by Doderer, Connors and Groth from the floor as follows:

H—5264

- 1 Amend the Senate amendment, H—5237, to House File
- 2 2171 as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 12 the
- 5 following:
- 6 " . Page 3, by inserting after line 10 the
- 7 following new section:
- 8 "Sec. 8. Section 422.7, Code 1981, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. If the federal individual income
- 11 tax rate reduction scheduled to become effective July
- 12 1, 1982 under the Economic Recovery Tax Act of 1981
- 13 does not become effective on or before that scheduled
- 14 date, an amount equal to the deduction allowed under
- 15 section 168 of the Internal Revenue Code of 1954 shall
- 16 be allowed on the first thirty thousand and eighty
- 17 percent of any amount in excess of thirty thousand on
- 18 that recovery property eligible for the deduction for
- 19 the tax year beginning on or after January 1, 1982
- 20 only. This subsection is also applicable to
- 21 taxpayers filing returns under Divisions III and V
- 22 of this chapter. " "

Groth of Buena Vista moved the adoption of amendment H—5264, to the Senate amendment H—5237.

Roll call was requested by Groth of Buena Vista and O'Kane of Woodbury.

On the question "Shall amendment H—5264 be adopted?"

The ayes were, 43:

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

The nays were, 55:

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

Absent or not voting, 2:

Miller Walter

Amendment H—5264, to the Senate amendment H—5237, lost.

Shull of Warren moved that the House concur in the Senate amendment H—5237.

A non-record roll call was requested.

The ayes were 96, nays 2.

The motion prevailed and the House concurred in the Senate amendment H—5237.

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

On the question "Shall the bill pass?" (H.F. 2171)

The ayes were, 74:

Anderson, J.	Baxter	Bennett	Binneboese
Branstad	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connolly	Cook	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Egenes	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lind	Loneragan	Mann
Maulsby	Menke	Mullins	Norland
Oxley	Pellett	Pelton	Petrick
Poffenberger	Pope	Renaud	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 24:

Anderson, R.	Arnould	Avenson	Brandt
Bruner	Cochran	Connors	Davitt
Doderer	Fey	Gettings	Halvorson, R. N.
Jochum	Krewson	Lloyd-Jones	McKean
O'Kane	Pavich	Poncy	Rapp
Rosenberg	Running	Sturgeon	Tofte

Absent or not voting, 2:

Miller	Walter
--------	--------

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

MOTION TO RECONSIDER TABLED

Pope of Polk moved to reconsider the vote by which House File 2171 passed the House on February 25, 1982, and to table the motion to reconsider.

A non-record roll call was requested.

The ayes were 53, nays 44.

The motion to table prevailed.

MOTION TO RECONSIDER
(Amendment H—5211C to House File 2369)

I move to reconsider the vote by which amendment H—5211C to House File 2369 failed to be adopted by the House on February 25, 1982.

JOHNSON of Howard

SPONSORS ADDED
(House Joint Resolution 2002)

Danker of Pottawattamie requested to be added as a sponsor of House Joint Resolution 2002.

(House Joint Resolution 2002)

Van Maanen of Mahaska requested to be added as a sponsor of House Joint Resolution 2002.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 714 Judiciary and Law Enforcement

To legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

S.B. 715 Education

To provide for a property tax levy by school districts for increased utility costs under certain conditions and to provide that the Act takes effect upon its publication.

S.B. 716 State Government

Providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office.

S.B. 717 State Government

To establish the board of speech pathology, audiology, and hearing aid dealer examiners, effective January 1, 1983.

S.B. 718 Judiciary and Law Enforcement

Establishing comparative fault as the basis for liability in relation to claims for damages arising from injury to or death of a person or harm to property, to take effect July 1, 1983.

SUBCOMMITTEE ASSIGNMENTS**House File 428 (Reassigned)**

Judiciary and Law Enforcement: Johnson of Howard, Chair; Jay and Sturgeon.

House File 644 (Reassigned)

Judiciary and Law Enforcement: Poffenberger, Chair; Rosenberg and Jochum.

House File 677 (Reassigned)

Transportation: Pellett, Chair; Gettings and Schnekloth.

House File 2354

Ways and Means: Hummel, Chair; Shull and Rapp.

Senate File 312

Ways and Means: Petrick, Chair; Bennett and Davitt.

Senate File 2068

Education: Krewson, Chair; Swearingen and Jay.

Senate File 2077

Education: Lind, Chair; Holt and Anderson of Jasper.

Senate File 2097

Commerce: Hansen of O'Brien, Chair; Jochum and Halvorson of Clayton.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 598**

Education: Mann, Chair; Johnson of Howard and Poney.

Study Bill 677

Education: Mann, Chair; Johnson of Howard and Poney.

Study Bill 679

Agriculture: Van Maanen, Chair; Tyrrell and Sullivan.

Study Bill 686

Judiciary and Law Enforcement: Gross, Chair; Trucano and Rosenberg.

Study Bill 688

Judiciary and Law Enforcement: Trucano, Chair; Jay and Welsh.

Study Bill 691

Judiciary and Law Enforcement: Poffenberger, Chair; Egenes and Doderer.

Study Bill 693

Agriculture: Bennett, Chair; Tyrrell and Sullivan.

Study Bill 694

Judiciary and Law Enforcement: Smalley, Chair; Trucano and Doderer.

Study Bill 696

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Study Bill 699

Judiciary and Law Enforcement: Poffenberger, Chair; Gross, Johnson of Howard, Rapp and Sturgeon.

Study Bill 700

Ways and Means: Clark of Lee, Chair; McKean and Chiodo.

Study Bill 702

Judiciary and Law Enforcement: Gross, Chair; Jochum and Corey.

Study Bill 703

State Government: Crabb, Chair; Fey and Lageschulte.

Study Bill 704

State Government: Harbor, Chair; Crabb and Dieleman.

Study Bill 706

Transportation: Schroeder, Chair; Branstad and Woods.

Study Bill 707

Ways and Means: Lageschulte, Chair; Branstad and Dieleman.

Study Bill 708

Ways and Means: Diemer, Chair; Ritsema and Connolly.

Study Bill 709

Ways and Means: Petrick, Chair; McKean and O'Kane.

Study Bill 710

Agriculture: Crabb, Chair; Corey and Byerly.

Study Bill 711

Agriculture: De Groot, Chair; Mullins and Dieleman.

Study Bill 712

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

Committee Bill (Formerly House File 2043), relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2308), including waterworks and related facilities within the definition of essential corporate purpose.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COMMERCE

Senate File 256, a bill for an act relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, language contained in a share draft instrument, share draft reserves, and gifts to minors.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H—5257.

Senate File 2086, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission.

Fiscal Note is not required.

Recommended **Do Pass**.

Senate File 2097, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON HUMAN RESOURCES

House Concurrent Resolution (Formerly Study Bill 705, as amended), a concurrent resolution relating to evaluation of impact of proposed legislation on Iowa families.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly House File 2191, as amended), relating to the expunging of records of certain misdemeanors committed prior to July 1, 1978.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 667), relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 675, as amended), relating to limited partnerships.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 702), to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 15, as amended), relating to a penalty for taking deer in violation of law.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON TRANSPORTATION

Senate File 260, a bill for an act to provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5256.

Committee Bill (Formerly House File 76, as amended), authorizing volunteer members of a paid or volunteer ambulance or rescue service agency to use blue flashing lights on their privately-owned motor vehicles.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 645, as amended), to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 706), to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2007, as amended), relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly House File 2115, as amended), providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 632), relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H—5253	H.F. 2369	Woods of Polk
		Welsh of Dubuque
		Pavich of Pottawattamie
		Renaud of Polk
H—5256	S.F. 260	Committee on
		Transportation
H—5257	S.F. 256	Committee on Commerce
H—5258	H.F. 2369	Tyrrell of Iowa
H—5259	S.F. 482	Lloyd-Jones of Johnson
H—5260	H.F. 2363	Hummel of Benton
		Mullins of Kossuth
		Pellett of Cass
		Cochran of Webster
		Anderson of Audubon

Knapp of Dubuque
Davitt of Warren

H-5261	H.F. 2369
H-5263	H.F. 2363
H-5265	H.F. 2369
H-5266	H.F. 2376

Welsh of Dubuque
Sullivan of Van Buren
Halvorson of Webster
Ritsema of Sioux
Davitt of Warren
Schroeder of Pottawattamie
Spear of Lee

On motion by Pope of Polk, the House adjourned at 5:42 p.m., until 10:00 a.m., Monday, March 1, 1982.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day — Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 1, 1982

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

Prayer was offered by the Reverend H. I. Thomas, pastor of the Union Baptist Church, Des Moines.

The Journal of Thursday, February 25, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Driscoll, Iowa City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of Ritsema of Sioux; Running of Linn, for March 1 and 2, 1982, on request of Hull of Linn; Lloyd-Jones of Johnson on request of Carl of Poweshiek; Howell of Floyd on request of Anderson of Jasper.

PETITION FILED

The following petition was received and placed on file:

By Poffenberger of Dallas, from three hundred thirty constituents favoring enforcement of the Litter Law and an increase of one cent per container.

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

The House resumed session at 11:25 a.m., Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2393, by committee on ways and means, a bill for an act creating a child abuse prevention program and a child abuse

prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

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

House File 2394, by committee on cities, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

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

House File 2395, by committee on ways and means, a bill for an act providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state.

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

House File 2396, by committee on ways and means, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax.

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

House File 2397, by committee on state government, a bill for an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the secretary of state and allowing the secretary of state to appoint as a notary public a resident of a border state working in Iowa.

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

House File 2398, by committee on natural resources, a bill for an act relating to a penalty for taking certain game and fish in violation of law.

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

House File 2399, by committee on education, a bill for an act relating to the date of the annual organization meeting of the board of directors of an area education agency.

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

House File 2400, by committee on judiciary and law enforcement, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

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

House File 2401, by committee on judiciary and law enforcement, a bill for an act regulating the activities of loan brokers and providing penalties.

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

House File 2402, by committee on transportation, a bill for an act authorizing volunteer members of a volunteer ambulance or rescue service agency to use blue flashing lights on their privately-owned motor vehicles.

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

House File 2403, by committee on cities, a bill for an act including waterworks and related facilities within the definition of essential corporate purpose.

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

House File 2404, by committee on ways and means, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive and providing an effective date.

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

House File 2405, by committee on transportation, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

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

House File 2406, by committee on human resources, a bill for an act relating to the reporting and evaluation of adult abuse, the provision of adult protective services, the operation of the child abuse and adult abuse registry, and providing penalties.

Read first time and placed on the calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILL (Regular Calendar)

The House resumed consideration of **House File 2369**, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

Ritsema of Sioux offered the following amendment H-5219, filed by him and moved its adoption:

H-5219

- 1 Amend House File 2369 as follows:
- 2 1. Page 9, by striking lines 6 through 15:

Roll call was requested by Horn of Linn and Poncy of Wapello.

On the question "Shall amendment H-5219 be adopted?"

The ayes were, 16:

Byerly	Carpenter	Clark, B. J.	Conlon
Cook	Holt	Hummel	Knapp
Mullins	Pelton	Poffenberger	Pope
Ritsema	Schroeder	Smith	Tofte

The nays were, 78:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Chiodo
Clark, J. H.	Clements	Cochran	Connolly
Connors	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Horn	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Lind	Loneragan	Mann
Maulsby	McKean	Menke	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poncy	Rapp	Renaud
Renken	Rosenberg	Schneklloth	Shull
Smalley	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

Absent or not voting, 5:

Howell	Krewson	Lloyd-Jones	Running
Welden			

Amendment H—5219 lost.

(House File 2369 pending at adjournment.)

HOUSE CONCURRENT RESOLUTION 119

By Doderer, Poffenberger, Baxter, Carl, Loneragan, Hoffmann-Bright, Brandt, Carpenter, Smith, Trucano, Binneboese, Connolly, Harbor, Pavich, Fey, Poncy, Conlon, Connors, Hansen of O'Brien, O'Kane, Norland, Bruner, Rosenberg, Howell, Lloyd-Jones, Clark of Cerro Gordo, Jochum, Rapp, Clements, Byerly, Jay, Chiodo, Running, Horn, Davitt, Sullivan, Dieleman, Gettings, Renaud, Cochran, Swartz, Groth, Anderson of Jasper, Corey, Sturgeon, Avenson, Egenes, Arnould, Mullins, Crabb, McKean, Mann, Lageschulte, Smalley and Van Maanen

- 1 *Whereas*, the achievements and contributions of
- 2 women have too often been overlooked in standard
- 3 history textbooks, classrooms, and research; and

4 *Whereas*, American women have played and continue
5 to play a critical economic, political, and social
6 role in our Nation's life; and
7 *Whereas*, the General Assembly is proud of
8 women who have had a significant impact on state and
9 national events and is especially proud of Iowa
10 women who have excelled in many fields such as
11 Jessie Shambaugh, who was the founder of the 4-H
12 movement; Carolyn Pendray, the Iowa legislator who
13 was the first woman elected to the General Assembly
14 in both the House and the Senate and who spearheaded
15 property rights for married women; Arabella Mansfield,
16 the first woman lawyer in the United States; Cora
17 Bussey Hillis, famous for her effective campaigns
18 for the betterment of child care; Ruth Buxton Sayre,
19 who attained national and international recognition
20 by championing a better way of life for rural people;
21 Agnes Samuelson, who served as state superintendent
22 of public instruction for many years; Carrie Chapman
23 Catt, who is credited with the final success of the
24 nineteenth amendment to the United States Constitution
25 granting women the vote; Annie Wittenmyer, known as
26 Iowa's wartime heroine in the Civil War who improved
27 diets and sanitation of our soldiers and cared for
28 that war's orphans; and Amelia Bloomer, lecturer
29 and organizer of the women's suffrage movement; and
30 *Whereas*, American women of every race, class, and

Page 2

1 ethnic background served as early leaders in the
2 forefront of every major progressive social change
3 movement, not only to secure their own right of
4 suffrage and equal opportunity, but also in the
5 abolitionist movement, the emancipation movement,
6 the industrial labor union movement, and the modern
7 civil rights movement; and
8 *Whereas*, the Congress of the United States is
9 recognizing the week of March 7, 1982 as "Women's
10 History Week" and the Iowa General Assembly is
11 equally proud of the contributions of women to
12 the history of this state and nation; *Now Therefore*,
13 *Be It Resolved by the House of Representatives*,
14 *the Senate Concurring*, That the week of March 7, 1982,
15 be recognized by the General Assembly as "Women's
16 History Week" and that the achievements and contribu-
17 tions of American women be emphasized so that all
18 Iowans can be informed of the impact of these
19 achievements and contributions to the state and
20 this nation.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 120
By Committee on County Government

1 *Whereas*, county compensation boards were established
2 in 1975 to provide for the determination of elected
3 county officers' salaries at the county level rather
4 than by the general assembly; and
5 *Whereas*, since 1975, various questions have arisen as
6 to the membership of the county compensation boards, the
7 method of selecting board members, methods used to deter-
8 mine the salary schedules, and other aspects of the
9 board procedures; and
10 *Whereas*, after seven years of operation, the committees
11 on county government believe that the operations of the
12 county compensation boards should be reviewed; *Now*
13 *Therefore*,
14 *Be It Resolved by the House of Representatives, the*
15 *Senate Concurring*, That the legislative council establish
16 an interim study committee consisting of members of both
17 political parties of the house and senate committees on
18 county government and elected county officers recommended
19 by the executive board of the Iowa state association of
20 counties to conduct a study of county compensation boards;
21 and
22 *Be It Further Resolved*, That the study committee submit
23 a report of its conclusions and recommendations including
24 bill drafts to implement its recommendations to the legis-
25 lative council and to the general assembly meeting in
26 1983.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 121
By Arnould

1 *Whereas*, plans have been announced to ship
2 spent nuclear fuel across Iowa from "on site
3 storage" to "away from reactor temporary storage";
4 and
5 *Whereas*, some away from reactor storage sites
6 will receive five shipments per day; and
7 *Whereas*, these shipments will be made by rail
8 or by truck on public highways; and
9 *Whereas*, the proposed rail route across south-
10 ern Iowa consists of deteriorating track which has
11 had recent derailments; and
12 *Whereas*, spent fuel is actually irradiated
13 waste so toxic that one truck load or one half
14 metric ton if exposed would produce a lethal radi-
15 ation dose within ten seconds; and

16 *Whereas*, the approved shipping casks are not
17 required to withstand the temperatures reached in
18 vehicle accident fires; and

19 *Whereas*, the approved shipping casks have not
20 been subjected to actual collision tests and have
21 other documented deficiencies; *Now Therefore*,
22 *Be It Resolved by the House of Representatives*,
23 *the Senate Concurring*, That we urge the United
24 States Congress to enact legislation requiring con-
25 tinued on site storage of spent fuel until such time
26 as permanent storage facilities have been established;
27 and

28 *Be It Further Resolved*, That a copy of this
29 resolution be forwarded to the President of the United
30 States, the President of the United States Senate, the
31 Speaker of the United States House of Representatives,
32 and the members of the Iowa Congressional Delegation.

Laid over under Rule 30.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of February, 1982: House Files 396, 788 and 2034.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

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 1st day of March, 1982: House File 2171.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 719 State Government

Relating to audits of licensed substance abuse programs conducted by the auditor of state.

S.B. 720 Transportation

Providing for the registration of farm trailers and crediting farm trailer registration fees to a county bridge fund created in this Act, and making penalties applicable.

S.B. 721 Commerce

Authorizing the commissioner of insurance to regulate the establishment and operation of third party prescription drug programs.

S.B. 722 Cities

Relating to city civil service and incorporating a penalty, with a January 1 effective date.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

House Concurrent Resolution, a concurrent resolution relating to the establishment of an interim study committee to conduct a study of county compensation boards.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Senate File 2068, a bill for an act relating to payment of expenses by boards of directors of merged areas.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2228, as amended), requiring the board of directors of a school corporation to notify the parent or legal guardian of a student who is a passenger in a school-owned vehicle which is involved in an accident.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 610), eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 668), to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON ETHICS

House File 238, a bill for an act to exclude the receipt of gifts by spouses and unemancipated minor children of a member of the general assembly from the reporting and gift limitation requirements of chapter 68B.

Fiscal Note is not required.

Committee Action: Indefinitely Postponed.

Senate File 2132, a bill for an act to make the preparation of a code of ethics by the committee on ethics of each house of the general assembly a duty only during the first session of each general assembly.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 401, as amended), requiring lobbyists to report the amount and source of their income received for lobbying activities.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 535), relating to fire safety, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H-5267	H.F. 855	Senate Amendment
H-5268	H.F. 2369	Woods of Polk
H-5269	H.F. 2350	Brandt of Black Hawk
		Spear of Lee
H-5270	H.F. 2218	Corey of Louisa
H-5271	H.F. 2346	Doderer of Johnson
		Gross of Ringgold
H-5272	H.F. 2350	Spear of Lee
H-5273	S.F. 537	Spear of Lee
H-5274	H.F. 2376	Byerly of Polk
H-5275	H.F. 2377	Holt of Clay
H-5276	H.F. 2369	Branstad of Winnebago
		Schnekloth of Scott
H-5277	H.F. 2369	Ritsema of Sioux

On motion by Pope of Polk, the House adjourned at 11:58 a.m., until 9:00 a.m., Tuesday, March 2, 1982.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day—Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 2, 1982

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

Prayer was offered by the Reverend Carl Riggs, pastor of the First Presbyterian Church, Fairfield.

The Journal of Monday, March 1, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Renken of Grundy on request of Johnson of Howard.

PETITION FILED

The following petition was received and placed on file:

By Brandt of Black Hawk, from fifty-five petitioners favoring a provision by Representative Rapp to the omnibus drunk driving bill.

INTRODUCTION OF BILLS

House File 2407, by committee on judiciary and law enforcement, a bill for an act related to the uniform limited partnership act.

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

House File 2408, by committee on education, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

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

House File 2409, by committee on state government, a bill for an act relating to fire safety, and providing penalties.

Read first time and placed on the calendar.

House File 2410, by committee on transportation, a bill for an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

Read first time and placed on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2067, a bill for an act relating to transfers of funds by area schools.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2118, a bill for an act allowing spouses of school board members to receive up to two thousand five hundred dollars compensation in a fiscal year from the school board.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2155, a bill for an act relating to the requirements for certification as an ophthalmic dispenser.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2156, a bill for an act relating to the issuance of certificates of title by the clerk of the district court.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2157, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2163, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2165, a bill for an act to authorize educational agencies to purchase custodial accounts for their employees.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2167, a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2175, a bill for an act revising the Iowa code of military justice including providing penalties.

Also: That the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

Regular Calendar

The House resumed consideration of **House File 2369**, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

Johnson of Linn offered amendment H—5211D, found on page 533 of the House Journal.

Ritsema of Sioux offered the following amendment H—5261, to amendment H—5211D, filed by him and moved its adoption:

H—5261

1 Amend amendment H—5211 to House File 2369 as follows:

2 1. Page 1, line 15, by striking the word "temporary"

3 and inserting in lieu thereof the words "twenty-day".

Amendment H—5261, to amendment H—5211D, was adopted.

Johnson of Linn moved the adoption of amendment H—5211D, as amended.

Amendment H—5211D, as amended, was adopted.

With the adoption of amendment H—5211D, amendment H—5230, filed by Halvorson of Clayton, et al., on February 23, 1982 was out of order.

With the adoption of amendment H—5211D, the following were out of order:

Lines 25 through 31 and lines 36 through 40 of amendment H—5236, filed by Ritsema of Sioux, previously adopted on February 24, 1982, and found on pages 530 and 531 of the House Journal.

Welsh of Dubuque asked and received unanimous consent to withdraw amendment H—5223 filed by him on February 23, 1982.

Ritsema of Sioux offered the following amendment H—5229 filed by him and moved its adoption:

H—5229

1 Amend House File 2369 as follows:

2 1. Page 12, line 10, by striking the word "with-
3 in" and inserting in lieu thereof the words "within
4 for a period of".

5 2. Page 12, line 11, by striking the words "from
6 the date of the alleged violation" and inserting in
7 lieu thereof the words "from the date of the alleged
8 violation".

Amendment H—5229 was adopted.

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H—5218 filed by her on February 23, 1982.

Schroeder of Pottawattamie offered amendment H—5265 filed by him as follows:

H—5265

1 Amend House File 2369 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. It is the intent of the general
5 assembly in enacting sections 2 through 4 of this
6 Act to allow border cities and counties to adopt
7 ordinances to reduce the incidents of violations of
8 section 321.281.

9 Sec. 2. Section 123.3, subsection 33, Code 1981,
10 is amended to read as follows:

11 33. "Legal age" means the age at or over which
12 a person may legally consume alcoholic liquor or beer,
13 and means nineteen years of age or more for Iowa
14 residents.

15 Sec. 3. Section 123.39, unnumbered paragraph 2,
16 Code 1981, is amended to read as follows:

17 Local authorities shall have the power to A local
18 authority may suspend any retail beer permit or liquor
19 control license for a violation of any ordinance or
20 regulation adopted by such the local authority. Local
21 authorities are empowered to adopt ordinances or
22 regulations for the location of the premises of retail
23 beer and liquor control licensed establishments and
24 are empowered to adopt ordinances, not in conflict
25 with the provisions of this chapter and that do not
26 diminish the hours during which beer or alcoholic
27 beverages may be sold or consumed at retail, governing
28 any other activities or matters which may affect the
29 retail sale and consumption of beer and alcoholic
30 liquor and the health, welfare and morals of the
31 community involved. However, border cities and
32 counties may enact local ordinances diminishing the
33 hours of operation of retail beer and liquor control
34 licensed establishments as provided in section 123.49,
35 subsection 2, paragraph b, provided that a local
36 ordinance shall not require a closing time earlier
37 than twelve o'clock midnight for such establishments,
38 or an opening time later than twelve o'clock noon
39 for such establishments. Border cities and counties

40 may enact local ordinances prohibiting nonresidents
41 of Iowa from consuming alcoholic liquors or beer
42 within their jurisdictions unless they are of legal
43 age to do so in the state or jurisdiction of their
44 residence.

45 Sec. 4. Section 123.47, Code 1981, is amended
46 to read as follows:

47 123.47 PERSONS UNDER LEGAL AGE. ~~No~~ A person shall
48 not sell, give, or otherwise supply alcoholic liquor
49 or beer to any person knowing or having reasonable
50 cause to believe ~~him~~ the recipient to be under legal

Page 2

1 age, and no person ~~or~~ persons under legal age shall
2 individually or jointly have alcoholic liquor or beer
3 in ~~his~~ or their possession or control; except in the
4 case of liquor or beer given or dispensed to a person
5 under legal age within a private home and with the
6 knowledge and consent of the parent or guardian for
7 beverage or medicinal purposes or as administered
8 to him the person by either a physician or dentist
9 for medicinal purposes and except to the extent that
10 a person under legal age may handle alcoholic beverages
11 and beer during the regular course of ~~his or her~~ the
12 person's employment by a liquor control licensee or
13 beer permittee under this chapter. In border cities
14 and counties which have enacted local ordinances
15 prohibiting nonresidents of Iowa from consuming
16 alcoholic liquors or beer within their jurisdiction
17 unless the nonresidents are of legal age to do so
18 in the state or jurisdiction of their residence, this
19 section applies to the nonresidents and to those who
20 sell, give, or otherwise supply alcoholic liquor or
21 beer to the nonresidents."

Conlon of Muscatine rose on a point of order that amendment
H-5265 was not germane.

The Speaker ruled the point well taken and amendment
H-5265 not germane.

Ritsema of Sioux offered the following amendment H-5277
filed by him and moved its adoption:

H-5277

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, by inserting before line 1 the following:
- 3 "Section 1. Section 321.191, unnumbered paragraph

4 2, Code 1981, is amended to read as follows:

5 There shall be a fee of twenty dollars for
6 reinstatement of a chauffeur's license or operator's
7 license which is, after notice and opportunity for
8 hearing, suspended or revoked pursuant to sections
9 321.209, and 321.210, except subsection 4 thereof,
10 and ~~321B.7~~ chapter 321B. Such twenty-dollar fee shall
11 be collected only if the person whose license was
12 suspended or revoked was served personally with notice
13 thereof. If the person whose license was suspended
14 or revoked was served notice thereof by restricted
15 certified mail, the reinstatement fee shall be ten
16 dollars."
17 2. By renumbering the sections to conform with
18 this amendment.

Amendment H—5277 was adopted.

Branstad of Winnebago offered the following amendment
H—5276 filed by Branstad and Schnekloth and moved its adoption:

H—5276

1 Amend House File 2369 as follows:

- 2 1. Page 3, line 25, by striking the word "ten"
- 3 and inserting in lieu thereof the word "six".
- 4 2. Page 6, line 15, by striking the word "ten"
- 5 and inserting in lieu thereof the word "six".
- 6 3. Page 6, line 30, by striking the word "ten"
- 7 and inserting in lieu thereof the word "six".
- 8 4. Page 7, line 3, by striking the word "ten"
- 9 and inserting in lieu thereof the word "six".
- 10 5. Page 8, line 25, by striking the word "ten"
- 11 and inserting in lieu thereof the word "six".
- 12 6. Page 10, line 26, by striking the word "ten"
- 13 and inserting in lieu thereof the word "six".

Amendment H—5276 lost.

Woods of Polk offered amendment H—5253 filed by Woods, et al., as follows:

H—5253

1 Amend House File 2369 as follows:

- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "9. To assist in meeting the expenses incurred
- 5 by a county in the prosecutions, trials and

6 incarcerations under this section, the general assembly
7 annually appropriates one million dollars of the funds
8 credited by section 123.53, subsection 7, to the
9 military service tax fund to the counties of this
10 state. The treasurer of state shall semiannually
11 distribute one-half million dollars to the counties
12 in the same proportion as the amount the cities of
13 each county receive bears to the total amount
14 distributed to all the cities under section 123.53,
15 subsection 3."

Woods of Polk offered the following amendment H—5268, to amendment H—5253, filed by him and moved its adoption:

H—5268

1 Amend amendment H—5253 to House File 2369 as
2 follows:
3 1. Page 1, by inserting after line 15 the
4 following:
5 "2. Page 16, by inserting after line 34 the
6 following:
7 "Sec. . Subsection 9 of section 321.281 shall
8 take effect July 1 following enactment."
9 3. By renumbering the sections to conform with
10 this amendment."

Amendment H—5268 was adopted.

Woods of Polk moved the adoption of amendment H—5253, as amended.

Conlon of Muscatine rose on a point of order that amendment H—5253, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5253, as amended, not germane.

Welsh of Dubuque moved that the rules be suspended to consider amendment H—5253.

A non-record roll call was requested.

The ayes were 42, nays 51.

The motion lost.

Tyrrell of Iowa offered the following amendment H—5258 filed by him and moved its adoption:

H—5258

- 1 Amend House File 2369 as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "9. When an offense under this section is charged,
- 5 the prosecuting attorney shall not engage in
- 6 discussions with the attorney for the defendant with
- 7 a view toward reaching an agreement for the entering
- 8 of a plea of guilty to a lessor or related offense."

Roll call was requested by Cook of Hardin and Tyrrell of Iowa.

On the question "Shall amendment H—5258 be adopted?"

The ayes were, 24:

Branstad	Clements	Cook	Daggett
De Groot	Dieleman	Doderer	Gettings
Gross	Halvorson, R. A.	Harbor	Holt
Johnson, R.	Johnson, W.	Lageschulte	Lind
Mann	Maulsby	Pellett	Poncy
Spear	Stueland	Tyrrell	Van Maanen

The nays were, 73:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Corey
Crabb	Danker	Davitt	Diemer
Egenes	Fey	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Knapp	Krewson
Lloyd-Jones	Loneragan	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Petrick	Poffenberger
Pope	Rapp	Renaud	Ritsema
Rosenberg	Schneklath	Schroeder	Shull
Smalley	Smith	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Walter	Welden	Welsh	Woods
Mr. Speaker			

Absent or not voting, 2:

Renken

Running

Amendment H—5258 lost.

MOTION TO RECONSIDER LOST (Amendment H—5211C to House File 2369)

Johnson of Howard called up for consideration the motion to reconsider amendment H—5211C, to House File 2369, filed on February 25, 1982, and moved to reconsider the vote by which amendment H—5211C, found on page 533 of the House Journal, failed to be adopted by the House on February 25, 1982.

Roll call was requested by Cook of Hardin and Johnson of Linn.

On the question "Shall the motion to reconsider amendment H—5211C prevail?"

The ayes were, 38:

Anderson, J.	Bennett	Binneboese	Branstad
Byerly	Clements	Cook	Corey
Crabb	Daggett	De Groot	Dieleman
Doderer	Gettings	Gross	Groth
Hansen, I.	Holt	Horn	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lind
Lloyd-Jones	Mann	Maulsby	McKean
Menke	Pellett	Pelton	Poncey
Schnekloth	Spear	Stueland	Sullivan
Tyrrell	Van Maanen		

The nays were, 57:

Arnould	Avenson	Baxter	Brandt
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Danker	Davitt
Diemer	Egenes	Fey	Hall
Halvorson, R. A.	Halvorson, R. N.	Hanson, D.	Harbor
Hoffmann-Bright	Howell	Jay	Jochum
Knapp	Krewson	Lageschulte	Loneragan
Mullins	Norland	O'Kane	Oxley
Pavich	Petrick	Poffenberger	Pope
Renaud	Ritsema	Rosenberg	Schroeder
Shull	Smalley	Smith	Sturgeon
Swartz	Swearingen	Tofte	Trucano

Walter
Mr. Speaker

Welden

Welsh

Woods

Absent or not voting, 4:

Anderson, R.

Rapp

Renken

Running

The motion lost.

MOTION TO RECONSIDER WITHDRAWN (Amendment H—5219 to House File 2369)

Johnson of Linn asked and received unanimous consent to withdraw the motion to reconsider amendment H—5219, which failed to be adopted by the House on March 1, 1982, filed by him from the floor on March 2, 1982.

The following amendment H—5281 filed by Ritsema of Sioux from the floor was adopted by unanimous consent:

H—5281

- 1 Amend House File 2369 as follows:
- 2 1. Title page, by striking line 1 and inserting in
- 3 lieu thereof the following: "An Act relating to
- 4 crimes resulting from the operation of motor vehicles
- 5 under certain circumstances, including while the
- 6 operator's drivers license is suspended and".

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

On the question "Shall the bill pass?" (H.F. 2369)

The ayes were, 97:

Anderson, J.
Baxter
Branstad
Carpenter
Clements
Connors
Daggett
Dieleman
Fey
Hall

Anderson, R.
Bennett
Bruner
Chiodo
Cochran
Cook
Danker
Diemer
Gettings
Halvorson, R. A.

Arnould
Binneboese
Byerly
Clark, B. J.
Conlon
Corey
Davitt
Doderer
Gross
Halvorson, R. N.

Avenson
Brandt
Carl
Clark, J. H.
Connolly
Crabb
De Groot
Egenes
Groth
Hansen, I.

Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellet
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Rosenberg	Schnekkloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 2:

Renken

Running

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

CONSIDERATION OF BILL

Regular Calendar

House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, with report of committee recommending passage was taken up for consideration.

The House temporarily deferred action on amendment H-5224 filed by Welsh of Dubuque.

Mullins of Kossuth offered amendment H-5220 filed by Mullins, et al., as follows:

H-5220

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, line 8, by striking the word "all".
- 3 2. Page 1, line 21, by inserting after the word
- 4 "district" the words "and, if the loan is to finance
- 5 the implementation of a permanent soil and water
- 6 conservation practice, the conservation practice shall
- 7 be part of the conservation plan".
- 8 3. Page 1, line 25, by inserting after the word

9 "state" the words " , except that financing for the
10 acquisition of conservation farm equipment is limited
11 to owners or operators of agricultural land who have
12 a low or moderate net worth".

Hummel of Benton offered the following amendment H—5260,
to amendment H—5220, filed by Hummel, et al., and moved its adop-
tion:

H—5260

1 Amend amendment H—5220 to House File 2363 as
2 follows:
3 1. Page 1, by striking lines 3 through 7 and
4 inserting in lieu thereof the following:
5 "2. Page 1, line 21, by inserting after the word
6 "district" the words "and the project for which the
7 loan is to be made has been approved by the district.
8 However, loans under the soil conservation loan program
9 for implementation of a permanent soil and water
10 conservation practice shall not be remitted to the
11 applicant until the applicant provides evidence that
12 payment of the permanent soil and water conservation
13 practice is arranged for and the soil conservation
14 district certifies that the practice is completed
15 and approved".

Amendment H—5260, to amendment H—5220, was adopted.

Mullins of Kossuth moved the adoption of amendment H—5220,
as amended.

Amendment H—5220, as amended, was adopted.

Hummel of Benton asked and received unanimous consent to
withdraw amendment H—5222 filed by him on February 23, 1982.

Cochran of Webster asked and received unanimous consent to
withdraw amendment H—5232 filed by him on February 23, 1982.

Cochran of Webster asked and received unanimous consent to
withdraw amendment H—5246 filed by him on February 24, 1982.

Anderson of Audubon asked and received unanimous consent to
withdraw amendment H—5204 filed by him on February 22, 1982.

Davitt of Warren offered the following amendment H—5233
filed by him and requested division as follows:

H—5233

- 1 Amend House File 2363 as follows:

H—5233A

- 2 1. Page 1, line 8, by striking the word "all".

H—5233B

- 3 2. Page 1, line 25, by inserting after the word
- 4 "state" the words ", except that financing for the
- 5 implementation of permanent soil and water conservation
- 6 practices is limited to owners or operators of
- 7 agricultural land who have a net worth of less than
- 8 five hundred thousand dollars".

Davitt of Warren asked and received unanimous consent to withdraw amendment H—5233A.

Davitt of Warren asked and received unanimous consent to temporarily defer action on amendment H—5233B.

Davitt of Warren offered amendment H—5231 filed by Davitt, et al., as follows:

H—5231

- 1 Amend House File 2363 as follows:

- 2 1. Page 2, line 13, by inserting after the word
- 3 "authority." the words "However, the authority shall
- 4 not have a total principal amount of bonds and notes
- 5 outstanding under this section at any time in excess
- 6 of twenty-five percent of the limitation on the amount
- 7 of bonds and notes outstanding at any time specified
- 8 in section 175.17, subsection 1."

- 9 2. Page 5, by inserting after line 4 the following:

- 10 "Sec. . Section 175.17, subsection 1, Code
- 11 1981, is amended to read as follows:

- 12 1. The authority may issue its negotiable bonds
- 13 and notes in principal amounts which, in the opinion
- 14 of the authority, are necessary to provide sufficient
- 15 funds for achievement of its corporate purposes, the
- 16 payment of interest on its bonds and notes, the
- 17 establishment of reserves to secure its bonds and
- 18 notes and all other expenditures of the authority
- 19 incident to and necessary or convenient to carry out
- 20 its purposes and powers. However, the authority may
- 21 not have a total principal amount of bonds and notes

22 outstanding at any time in excess of ~~one~~ two hundred
23 fifty million dollars. The bonds and notes shall
24 be deemed to be investment securities and negotiable
25 instruments within the meaning of and for all purposes
26 of the uniform commercial code."

27 3. Title page, line 4, by inserting after the
28 word "program," the words "increasing the bonding
29 limit of the authority,".

Davitt of Warren offered the following amendment H—5263, to amendment H—5231, filed by him and moved its adoption:

H—5263

1 Amend amendment H—5231 to House File 2363 as
2 follows:

3 1. Page 1, line 7, by striking the word
4 "outstanding".

Amendment H—5263, to amendment H—5231, was adopted.

Cochran of Webster requested division of amendment H—5231, as amended, as follows:

Lines 2 through 8, division A.

Lines 9 through 29, division B.

Davitt of Warren moved the adoption of amendment H—5231A.

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

Rule 80 was invoked.

On the question "Shall amendment H—5231A be adopted?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Clark, B. J.	Connolly
Connors	Davitt	Dieleman	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Hanson, D.	Horn	Howell	Jay
Jochum	Knapp	Lind	Lloyd-Jones

Loneragan	Mann	McKean	Mullins
Norland	O'Kane	Pavich	Poncy
Rapp	Renaud	Rosenberg	Smalley
Spear	Sturgeon	Sullivan	Trucano
Walter	Welsh	Woods	

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Cochran	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Maulsby	Menke	Oxley	Pellett
Pelton	Petrick	Poffenberger	Pope
Ritsema	Schnekloth	Schroeder	Shull
Smith	Stueland	Swartz	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 3:

Doderer	Renken	Running
---------	--------	---------

Amendment H—5231A lost.

Hummel of Benton offered the following amendment H—5228 filed by Hummel and Anderson of Audubon and moved its adoption:

H—5228

- 1 Amend House File 2363 as follows:
- 2 1. Page 3, line 29, by inserting after the word
- 3 "crops" the words "and equipment, excluding aerial
- 4 equipment, used for the spraying of agricultural
- 5 crops".

A non-record roll call was requested.

The ayes were 63, nays 12.

Amendment H—5228 was adopted.

Sullivan of Van Buren offered amendment H—5226 filed by Sullivan, et al., as follows:

H-5226

- 1 Amend House File 2363 as follows:
- 2 1. Page 5, line 3, by striking the words "or
- 3 temporary".
- 4 2. Page 5, line 4, by inserting after the word
- 5 "practices" the words "and the acquisition of
- 6 conservation farm equipment".

Krewson of Polk offered amendment H-5282, to amendment H-5226, filed by him from the floor as follows:

H-5282

- 1 Amend amendment H-5226 to House File 2363,
- 2 as follows:
- 3 1. Page 1, by striking line 6 and inserting in
- 4 lieu thereof the following: "conservation farm
- 5 equipment. Conservation farm equipment acquired
- 6 under a program authorized in this chapter does not
- 7 qualify, for Iowa income tax purposes, for
- 8 accelerated depreciation treatment authorized by
- 9 the amendments to the Internal Revenue Code of 1954
- 10 made by the Economic Recovery Tax Act of 1981".

Pellett of Cass rose on a point of order that amendment H-5282, to amendment H-5226, was not germane.

The Speaker ruled the point well taken and amendment H-5282, to amendment H-5226, not germane.

Connors of Polk moved that the rules be suspended to consider amendment H-5282, to amendment H-5226.

Roll call was requested by Branstad of Winnebago and Menke of O'Brien.

On the question "Shall the rules be suspended to consider amendment H-5282, to amendment H-5226?"

The ayes were, 28:

Anderson, R.
Carl
Fey
Jochum
Lonergan

Arnould
Chiodo
Gettings
Knapp
O'Kane

Binneboese
Connolly
Horn
Krewson
Pavich

Bruner
Connors
Howell
Lloyd-Jones
Poncy

Renaud
Swartz

Rosenberg
Walter

Spear
Welsh

Sturgeon
Woods

The nays were, 66:

Anderson, J.
Branstad
Clark, J. H.
Cook
Danker
Diemer
Hall
Hanson, D.
Hummel
Johnson, W.
Maulsby
Norland
Petrick
Ritsema
Smith
Tofte
Welden

Baxter
Byerly
Clements
Corey
Davitt
Egenes
Halvorson, R. A.
Harbor
Jay
Lageschulte
McKean
Oxley
Poffenberger
Schnekloth
Stueland
Trucano
Mr. Speaker

Bennett
Carpenter
Cochran
Crabb
De Groot
Gross
Halvorson, R. N.
Hoffmann-Bright
Johnson, J.
Lind
Menke
Pellett
Pope
Schroeder
Sullivan
Tyrrell

Brandt
Clark, B. J.
Conlon
Daggett
Dieleman
Groth
Hansen, I.
Holt
Johnson, R.
Mann
Mullins
Pelton
Rapp
Shull
Swearingen
Van Maanen

Absent or not voting, 5:

Avenson
Smalley

Doderer

Renken

Running

The motion lost.

Sullivan of Van Buren moved the adoption of amendment H—5226.

A non-record roll call was requested.

The ayes were 73, nays 5.

Amendment H—5226 was adopted.

Davitt of Warren called up for consideration amendment H—5231B.

Pellett of Cass rose on a point of order that amendment H—5231B was not germane.

The Speaker ruled the point well taken and amendment H—5231B not germane.

Welsh of Dubuque moved that the rules be suspended to consider amendment H—5231B.

Roll call was requested by Welsh of Dubuque and Binneboese of Plymouth.

On the question "Shall the rules be suspended to consider amendment H—5231B?"

The ayes were, 43:

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

The nays were, 53:

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

Absent or not voting, 3:

Renken	Running	Schroeder
--------	---------	-----------

The motion lost.

(House File 2363 pending at adjournment.)

MOTION TO RECONSIDER
(Amendment H—5231A to House File 2363)

I move to reconsider the vote by which amendment H—5231A, to House File 2363, failed to pass the House on March 2, 1982.

COCHRAN of Webster

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 2, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 396, an act relating to an income tax checkoff for the state fish and game protection fund.

House File 788, an act excluding child day care providers and babysitters from the child foster care licensing requirements.

House File 2034, an act relating to state bank investment in bonds and notes issued by the Iowa Family Farm Development Authority.

COMMUNICATION RECEIVED

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

SUPREME COURT OF IOWA

Correction of Report of the Supreme Court

Pursuant to sections 813.4 and 684.19, The Code, the Supreme Court of Iowa on January 27, 1982, reported to the General Assembly changes in the Rules of Criminal Procedure. It has come to the attention of the court that there is a technical mistake on page 6 of exhibit A of the report which relates to the renumbering of the subsections of rule 18.

Lines 15 through 17 on page 6 of exhibit A of the January 27, 1982, report regarding the Rules of Criminal Procedure should be, and hereby are, corrected to read as follows:

That subsections "3", "4", "5", "6", "7", "8", "9", "10" and "11" be renumbered as subsections "1", "2", "3", "4", "5", "6", "7", "8", and "9", respectively.

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of

Iowa, hereby acknowledge delivery to me on the 1st day of March, 1982, of the foregoing correction of report of the Supreme Court of Iowa pertaining to the Rules of Criminal Procedure.

ELIZABETH A. ISAACSON, Chief Clerk

PRESENTATION OF VISITORS

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

Ten students from St. Ambrose College, Davenport, Iowa. By Fey and Arnould of Scott.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

House File 2173, a bill for an act relating to the projects for which industrial revenue bonds may be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 159), relating to the procedures for involuntary commitment or treatment of substance abusers.

Fiscal Note is not required.

Recommended **Do pass**.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Committee Bill (Formerly Study Bill 694), to require that reports of induced terminations of pregnancies be filed with the state department of health.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly Study Bill 637), to update references to the federal water pollution control act in chapter 455B, Iowa Code.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 664), authorizing drivers of passenger motorbuses to use citizen band radios.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly House File 2060), requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass**

Committee Bill (Formerly Study Bill 713), to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

Fiscal Note is required.

Recommended **Do Pass.**

AMENDMENTS FILED

H-5278	H.F. 2360	Doderer of Johnson
		Clark of Cerro Gordo
H-5279	H.F. 2218	Howell of Floyd
H-5280	H.F. 2218	Howell of Floyd
H-5283	H.F. 2218	Horn of Linn
H-5284	H.F. 2218	Horn of Linn
H-5285	H.F. 2406	Maulsby of Calhoun
H-5286	H.F. 2380	Halvorson of Clayton
H-5287	S.F. 396	Swearingen of Keokuk

H—5288	H.F. 2406	Spear of Lee
H—5289	H.F. 2406	Spear of Lee
H—5290	H.F. 2397	Carpenter of Polk
		Fey of Scott
		Tofte of Winneshiek
		Swearingen of Keokuk
H—5291	H.F. 2400	Conlon of Muscatine
H—5292	S.F. 537	Spear of Lee
H—5293	H.F. 855	Schnekloth of Scott
H—5294	H.F. 2218	Trucano of Polk
		Corey of Louisa
		Brandt of Black Hawk
		Horn of Linn
H—5295	H.F. 2363	Welsh of Dubuque
		Cochran of Webster
		Davitt of Warren
H—5296	H.F. 2373	Howell of Floyd
H—5297	H.F. 2363	Krewson of Polk
H—5298	H.F. 2364	Jay of Appanoose
H—5299	H.F. 2364	Jay of Appanoose

On motion by Pope of Polk, the House adjourned at 12:02 p.m., until 9:00 a.m., Wednesday, March 3, 1982.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day—Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 3, 1982

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

Prayer was offered by the Reverend James Fouke, pastor of the Ventura United Methodist Church, Ventura.

The Journal of Tuesday, March 2, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joseph Veverka, Prairie City.

PETITION FILED

The following petition was received and placed on file:

By Poffenberger of Dallas, from one thousand four hundred thirteen Iowans favoring an increase of one cent per container handling fee for returned beverage cans and bottles and enforcement of the litter law.

INTRODUCTION OF BILLS

House File 2411, by committee on education, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year.

Read first time and placed on the calendar.

House File 2412, by committee on education, a bill for an act requiring the board of directors of a school corporation to notify the parent or legal guardian of a student who is a passenger in a school-owned vehicle which is involved in an accident.

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

House File 2413, by committee on judiciary and law enforcement, a bill for an act relating to the expungement of records of certain misdemeanors.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 1, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 772, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983.

Also: That the Senate has on March 1, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Also: That the Senate has on March 1, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 217, a bill for an act to provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT (Regular Calendar)

The House resumed consideration of **House File 2363**, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

The House temporarily deferred action on amendment H—5224, filed by Welsh of Dubuque.

Davitt of Warren called up for consideration amendment H—5233B filed by him and found on page 592 of the House Journal.

Davitt of Warren moved the adoption of amendment H—5233B.

Roll call was requested by Davitt of Warren and Jay of Appanoose.

Rule 80 was invoked.

On the question "Shall amendment H—5233B be adopted?"

The ayes were, 48:

Anderson, R.	Arnould	Baxter	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Davitt
Dieleman	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Howell	Jay
Jochum	Johnson, J.	Knapp	Krewson
Lind	Lloyd-Jones	Loneragan	Mann
McKean	Mullins	Norland	Oxley
Pavich	Rapp	Renaud	Rosenberg
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Swearingen	Walter

The nays were, 45:

Anderson, J.	Bennett	Branstad	Carpenter
Clements	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Johnson, R.	Johnson, W.	Lageschulte
Maulsby	Menke	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smith	Stueland	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 6:

Avenson	Doderer	Egenes	O'Kane
Welsh	Woods		

Amendment H—5233B was adopted.

Pellett of Cass asked and received unanimous consent to defer action on House File 2363 and that the bill retain its place on the calendar.

CONSIDERATION OF BILL Regular Calendar

House File 2377, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties and providing that the Act takes effect upon its publication, with report of committee recommending passage was taken up for consideration.

Holt of Clay offered the following amendment H—5275 filed by him and moved its adoption:

H—5275

- 1 Amend House File 2377 as follows:
- 2 1. Page 20, line 35, by inserting after the word
- 3 "and" the words ", subject to rules adopted by the
- 4 authority,".
- 5 2. Page 22, by striking lines 8 through 14 and
- 6 inserting in lieu thereof the words "public function.
- 7 Income of the authority is exempt from all taxation
- 8 in the state. Property of the authority, acquired
- 9 or held for purposes of this Act, is exempt from all
- 10 taxation and special assessments in the state if the
- 11 property was exempt for the fiscal year in which the
- 12 property was first acquired or held and such property
- 13 shall continue to be exempt for subsequent fiscal
- 14 years. Property of the authority, acquired or held
- 15 for purposes of this Act, is subject to taxation and
- 16 special assessments in the state if the property was
- 17 taxable for the fiscal year in which the property
- 18 was first acquired or held and such property shall
- 19 continue to be taxable for subsequent fiscal years."

Amendment H—5275 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2377)

The ayes were, 97:

Anderson, J.

Anderson, R.

Arnould

Avenson

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

The nays were, none.

Absent or not voting, 2:

Doderer Woods

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

IMMEDIATE MESSAGE (House File 2377)

Pope of Polk asked and received unanimous consent that House File 2377 be immediately messaged to the Senate.

On motion by Pope of Polk, the House was recessed at 10:00 a.m., until 2:30 p.m.

HOUSE CONCURRENT RESOLUTION 122 By Baxter of Des Moines

- 1 *Whereas*, there is a need for public transit services
- 2 for the growing number of elderly in this state and the
- 3 other citizens of this state; and

4 *Whereas*, there is a need to plan for adequate trans-
5 portation services for future industrial and agricultural
6 development in this state; and

7 *Whereas*, there is need for adequate transportation
8 services for use by the citizens of this state for
9 personal needs; and

10 *Whereas*, there are less federal dollars made avail-
11 able to the states to meet existing transportation
12 needs of the people, agriculture, and industry; *Now*
13 *Therefore*,

14 *Be It Resolved by the House of Representatives, the*
15 *Senate Concurring*, That the state department of trans-
16 portation prepare a report of its recommendations for
17 implementing transportation services for the movement
18 of freight and passengers based upon prior studies
19 conducted by the department; and

20 *Be It Further Resolved*, That the department shall
21 also conduct a study for the state's role in funding
22 of rural and intracity public transit systems to pro-
23 vide adequate public transportation services for the
24 citizens of this state; and

25 *Be It Further Resolved*, That the department shall
26 prepare and submit its findings of fact and recommenda-
27 tions to the Seventieth General Assembly not later
28 than January 1, 1983.

Laid over under Rule 30.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2414, by committee on transportation, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Read first time and placed on the calendar.

House File 2415, by committee on transportation, a bill for an act authorizing drivers of passenger motor buses to use citizen band radios.

Read first time and placed on the calendar.

House File 2416, by committee on transportation, a bill for an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

Read first time and placed on the calendar.

House File 2417, by committee on natural resources, a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 26, by Priebe, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Read first time and passed on file.

Senate File 2067, by Taylor, a bill for an act relating to transfers of funds by area schools.

Read first time and referred to committee on education.

Senate File 2118, by DeKoster, a bill for an act allowing spouses of school board members to receive up to two thousand and five hundred dollars compensation in a fiscal year from the school board.

Read first time and referred to committee on education.

Senate File 2146, by committee on education, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

Read first time and referred to committee on education.

Senate File 2155, by committee on state government, a bill for an act relating to the requirements for certification as an ophthalmic dispenser.

Read first time and passed on file.

Senate File 2156, by committee on judiciary, a bill for an act relating to the issuance of certificates of title by the clerk of the district court.

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

Senate File 2157, by committee on transportation, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

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

Senate File 2163, by committee on judiciary, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes.

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

Senate File 2167, by committee on natural resources, a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B.

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

Senate File 2175, by committee on state government, a bill for an act revising the Iowa code of military justice including providing penalties.

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

Senate File 2190, by committee on ways and means, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2372, a bill for an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2372)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 2:

Doderer

Sturgeon

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

The House stood at ease at 2:45 p.m., until the fall of the gavel.

The House resumed session at 3:52 p.m., Speaker Stromer in the chair.

House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Horn of Linn asked and received unanimous consent to temporarily defer action on amendment H—5198.

Trucano of Polk offered amendment H—5294 filed by Trucano, et al., as follows:

H—5294

1 Amend House File 2218 as follows:

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

4 "Section 1. Chapter 523A, Code 1981, is repealed
5 and sections 2 through 30 of this Act are inserted in
6 lieu thereof:

7 Sec. 2. NEW SECTION. PURPOSE AND SCOPE. The
8 purpose of this chapter is to provide security for
9 the performance of contracts under which individuals
10 arrange to obtain and pay in advance for goods or
11 services to be used in connection with the final
12 disposition of their own bodies or those of other
13 persons after death. Except as provided in section
14 3 of this Act, this chapter applies to any contract
15 that contains these provisions, including but not
16 limited to a contract for the sale of goods or
17 services, or a contract to procure goods or services
18 as an agent or independent contractor on behalf of
19 the buyer.

20 Sec. 3. NEW SECTION. EXEMPTIONS. This chapter
21 does not apply to any of the following:

22 1. A contract requiring the immediate delivery
23 of all goods or services to be furnished.

24 2. A contract that is subject to regulation under
25 Title XX, relating to insurance.

26 3. A trust agreement having substantial purposes
27 other than that of providing for the final disposition
28 of a dead human being.

29 4. A contract for the sale of a cemetery lot,

30 grave, grave marker, tombstone, monument, mausoleum
31 crypt, turf-top crypt, niche or columbarium; provided,
32 however, that this exemption does not apply if the
33 contract also includes or is executed in contemplation
34 of the sale of other goods or services pursuant to
35 a prearrangement contract.

36 **Sec. 4. NEW SECTION. OTHER LAWS NOT AFFECTED.**

37 This chapter does not supersede the provisions of
38 chapter 156, relating to the licensure of funeral
39 directors.

40 **Sec. 5. NEW SECTION. DEFINITIONS.** As used in
41 this chapter, unless the context otherwise requires:

42 1. "Beneficiary" means the person in whose final
43 disposition goods or services are to be furnished
44 pursuant to a prearrangement contract.

45 2. "Department" means the department of banking.

46 3. "Earnings" means appreciation in value of a
47 trust fund as a result of investment, including but
48 not limited to interest income, dividends, and gains
49 from the sale of investments.

50 4. "Funeral director" means a person licensed
51 under chapter 156.

Page 2

1 5. "Licensee" means a person who is required to
2 be licensed under this chapter.

3 6. "Goods" means personal property to be used
4 in connection with the final disposition of a dead
5 human body, including but not limited to a casket,
6 vault, grave marker, tombstone, monument, urn or vase.
7 "Goods" does not include real property, and does not
8 include personal property which is affixed to real
9 property at the time of sale.

10 7. "Prearrangement contract" or "contract" means
11 a contract that is characterized, wholly or in part,
12 by all of the following:

13 a. A person promises to deliver or to secure the
14 delivery of goods, services, or a combination of goods
15 and services, that are to be used in the final
16 disposition of the body of a specified individual
17 after his or her death.

18 b. The contract is executed prior to the death
19 of the person in whose final disposition the goods
20 or services are to be used, and delivery is or may
21 be contingent upon the death of that person.

22 c. Consideration is to be paid in advance, whether
23 in a lump sum or in installments.

24 8. "Purchase price" means the consideration that
25 is to be paid under a prearrangement contract in
26 exchange for the promise to deliver or to secure the

27 delivery of the goods or services.

28 9. "Seller" means a person who directly or through
29 an agent or employee promises in a prearrangement
30 contract to deliver or to secure the delivery of the
31 goods or services. "To sell" includes a promise to
32 furnish goods or services that are to be purchased
33 from or supplied by another person.

34 10. "Services" means services to be provided in
35 connection with the final disposition of a dead human
36 body, including but not limited to services necessarily
37 or customarily provided in connection with a funeral,
38 or services necessarily or customarily provided in
39 connection with the interment, entombment or cremation
40 of a dead human body, or a combination of these.
41 "Services" does not include perpetual care or main-
42 tenance to be furnished after interment, entombment
43 or cremation.

44 Sec. 6. NEW SECTION. PREARRANGEMENT CONTRACTS
45 REGULATED. A person shall not offer or contract to
46 deliver or to secure the delivery of goods or services
47 pursuant to a prearrangement contract except when
48 licensed under this chapter and except in accordance
49 with the provisions of this chapter. This section
50 does not require the licensure of officers, employees

Page 3

1 or agents of a licensee while engaged in the
2 solicitation or execution of contracts on behalf of
3 the licensee.

4 Sec. 7. NEW SECTION. LICENSE APPLICATION. An
5 application for a license shall be in a verified
6 writing on forms furnished by the department. The
7 application form shall contain or be accompanied by
8 all of the following:

9 1. The applicant's name and business address,
10 and the address of each of the applicant's offices
11 within this state.

12 2. The name of each state or other jurisdiction
13 in which the applicant presently is conducting the
14 activity regulated under this chapter or any other
15 similar business, the names under which the business
16 is conducted, and the business addresses within each
17 state or other jurisdiction.

18 3. A description of any adverse order, judgment
19 or decree entered against the applicant by a regulatory
20 agency or court in any state or other jurisdiction
21 in relation to the activity regulated under this
22 chapter or any other similar business.

23 4. The form of the applicant's business or-
24 ganization, and if the applicant is a statutory entity,

25 the jurisdiction in which organized and a copy of
26 the articles of incorporation or other instrument
27 establishing the applicant as a legal entity.

28 5. The name, address of residence, and principal
29 occupation for the past five years of every director
30 and officer of the applicant or every person occupying
31 a similar status or performing similar functions;
32 and the name, address and principal occupation for
33 the past five years of every principal owner and
34 principal stockholder, and for this purpose, any
35 person whose interest in the applicant exceeds ten
36 percent of the outstanding interests shall be a
37 principal owner or stockholder.

38 6. Copies of the current financial statements
39 of the applicant.

40 7. The name and address of each financial
41 institution by which trust funds are to be held or
42 administered under this chapter, and a copy of all
43 trust agreements.

44 8. If any of the goods or services to be delivered
45 under a contract are to be supplied by a person other
46 than the applicant, the name and address of that
47 person, a description of each item to be supplied
48 by that person, and a copy of the contract, whether
49 existing or proposed, between the applicant and that
50 person under which the goods or services are to be

Page 4

1 supplied.

2 9. An irrevocable appointment of the department
3 as agent for the receipt of service of process in
4 any civil proceeding arising under this chapter against
5 the applicant, its principal owners, principal
6 stockholders, directors or general manager or their
7 personal representatives.

8 10. Other information or documents required by
9 the department.

10 11. The names and addresses of all individuals
11 who will be authorized by the applicant to solicit
12 prearrangement sales on behalf of the licensee, and
13 the names and addresses of all individuals who will
14 be authorized by the applicant to execute
15 prearrangement contracts on behalf of the applicant.

16 Sec. 8. NEW SECTION. ISSUANCE OR DENIAL OF 17 LICENSE.

18 1. Upon receipt of proper application, the
19 department shall issue a license if the department
20 determines that the following criteria are satisfied:

21 a. The applicant has met all general requirements
22 for engaging in business in this state.

23 b. The principal owners, principal stockholders,
24 and all directors and officers or persons occupying
25 similar status or performing similar functions have
26 the ability, experience, integrity, financial stability
27 and responsibility to engage in the licensed activity.

28 c. Capitalization of at least fifteen thousand
29 dollars in counties with a population of not more
30 than fifty thousand, capitalization of at least twenty-
31 five thousand dollars in counties with a population
32 between fifty thousand and one hundred fifty thousand,
33 and capitalization of at least fifty thousand dollars
34 in counties with a population of one hundred fifty
35 thousand or more.

36 2. The department shall deny the license if it
37 is determined that the application is incomplete,
38 that the applicant has made false statements or
39 misrepresentations in the application, that the
40 applicant is insolvent, that the applicant has con-
41 ducted business in a fraudulent manner, that the
42 applicant is not authorized to transact business in
43 this state, or that the required trust fund or
44 depository has not been properly established. If
45 a license is denied, the department shall give written
46 notice to the applicant setting forth the reasons
47 for denial.

48 3. The department shall issue or deny a license
49 within ninety days following receipt of proper
50 application.

Page 5

1 4. Upon issuance of a license, the licensee shall
2 post and maintain the license on the business premises
3 of the licensee and in a place where the license is
4 readily visible to customers of the licensee.

5 5. A license issued under this chapter shall be
6 in effect for a period of one year from the date
7 issued, and may be renewed in the manner prescribed
8 by the department.

9 Sec. 9. NEW SECTION. SURETY BOND.

10 1. At the time a license is issued a licensee
11 shall post with the department and thereafter maintain
12 in force either a bond in the principal sum of twenty-
13 five thousand dollars issued by an authorized corporate
14 surety in favor of the state of Iowa, or a deposit
15 in the same amount made up of cash or negotiable
16 securities or their equivalent. If a deposit is made
17 in lieu of a bond, the deposit shall at all times
18 be maintained at a market value of not less than the
19 amount of the required bond. A licensee may deposit
20 only those securities which are approved for use as

21 a deposit by rule issued by the department.

22 2. In lieu of posting the full amount of the bond
23 or deposit specified in subsection 1, the department
24 may approve the posting of a bond or deposit in the
25 amount of five thousand dollars or a whole number
26 multiple thereof, not to exceed twenty-five thousand
27 dollars, if it finds that the circumstances and status
28 of the applicant's intended business do not immediately
29 warrant the posting of the amount specified in
30 subsection 1. The department thereafter may require
31 the licensee periodically to post an additional bond
32 or deposit of five thousand dollars or a whole number
33 multiple thereof until the amount specified in
34 subsection 1 is satisfied. The department may require
35 a quarterly report during the period of time in which
36 a licensee maintains a bond or deposit of an amount
37 less than that specified in subsection 1.

38 3. The bond or deposit shall be held exclusively
39 for the benefit of buyers under prearrangement
40 contracts and other persons as their interests may
41 appear who may be damaged by misuse or diversion of
42 moneys by the seller or agents or employees of the
43 seller. The aggregate liability of the surety for
44 all breaches of the conditions of the bond shall,
45 in no event, exceed the sum of the bond. The surety
46 shall have the right to cancel a bond upon sixty days'
47 notice to the department, and shall be relieved of
48 liability for any breach of condition occurring after
49 the effective date of cancellation.

50 4. Upon written request by a licensee, the

Page 6

1 department may reduce the bond or deposit require-
2 ment in five-thousand dollar increments if it finds
3 that the circumstances and status of the licensee's
4 business warrant a reduction.

5 5. The department shall release the bond or deposit
6 after the licensee has ceased doing business and when
7 the department is satisfied of the nonexistence of
8 any obligation or liability of the licensee for which
9 the bond or deposit is held.

10 Sec. 10. NEW SECTION. GUARANTEE TRUST FUND.

11 A licensee shall, within thirty days after the end
12 of its accounting year, deposit with the department
13 the amount of ten dollars for each prearranged sale
14 made during the accounting year. These funds shall
15 be deposited by the department into a separate
16 guarantee trust fund to be held and invested in
17 accordance with the trust laws of Iowa. When the
18 fund, including earnings, reaches the amount of one

19 hundred thousand dollars, the department shall suspend
20 the requirement to make any further annual deposits;
21 provided, however, that a new licensee shall be
22 required to deposit into the fund an amount equivalent
23 to the amount deposited by other licensees as
24 determined by the department and on the same basis.
25 Pursuant to rules issued by the department, this fund
26 shall be subject to the payment of claims arising
27 against any licensee for failure to comply with the
28 terms of this chapter with respect to the delivery
29 of goods or services or the refund of money. The
30 guarantee fund shall not be liable for the payment
31 of a claim until the claimant has exhausted all civil
32 and administrative remedies, including but not limited
33 to bankruptcy proceedings.

34 Sec. 11. NEW SECTION. TERMS OF PREARRANGEMENT
35 CONTRACTS.

36 1. A prearrangement contract shall not be executed
37 by a licensee unless it complies with applicable
38 federal and state disclosure requirements.

39 2. A prearrangement contract shall not be executed
40 by a licensee unless it contains all of the following
41 information:

42 a. The names and addresses of the licensee and
43 of the buyer.

44 b. The name and address of the beneficiary.

45 c. Clear and conspicuous specifications of the
46 goods and services to be delivered under the contract.
47 If the licensee is not the person by whom the goods
48 or services are to be delivered, the contract must
49 disclose the name and address of the person who is
50 to deliver the goods or services, and the contract

Page 7

1 shall not be valid unless the person is a party to
2 the contract and agrees in the contract to deliver
3 the goods or services.

4 d. The price of each item to be delivered, the
5 total contract price, and the manner in which the
6 purchase price is to be paid.

7 e. The date and place of execution of the contract.

8 f. The type of trust account in which funds are
9 to be held, and the total amount to be entrusted.

10 g. The signature of the individual executing the
11 contract on behalf of the seller, and identification
12 of the individual by typed or printed name and title
13 or capacity.

14 3. A licensee shall not be entitled to enforce
15 a contract made in violation of this section or another
16 provision of this chapter, but the buyer or the legal

17 representative of the buyer shall be entitled to
18 recover all amounts paid in contemplation of the
19 contract.

20 4. Delivery of goods pursuant to the contract
21 shall be by actual or constructive delivery in ac-
22 cordance with chapter 554.

23 5. Delivery of merchandise or services pursuant
24 to the contract shall be due within a reasonable time
25 after written notice to the licensee of the death
26 of the beneficiary. If timely delivery cannot be
27 made because of national emergency, strike,
28 insurrection or act of God, the period for delivery
29 shall be extended until the expiration of fifteen
30 days after the termination of the event preventing
31 delivery.

32 6. The contract shall contain a warranty to the
33 buyer that the goods to be delivered under the contract
34 will be accepted for intended purposes by any cemetery
35 of the buyer's choice. Upon a breach of this warranty,
36 the buyer shall have the option to cancel the contract
37 and receive a refund of the money held in trust with
38 respect to the contract, or to receive from trust
39 such amount as may be necessary to remedy the breach.

40 7. The seller under a prearrangement contract
41 is liable to the buyer for the performance of all
42 obligations due the buyer under the contract or this
43 chapter, whether or not another person has agreed
44 to perform one or more of the obligations.

45 8. The written contract shall constitute the
46 entire agreement between the parties relative to its
47 subject matter. All obligations of both parties shall
48 be fixed, and enforceable by the other parties to
49 the contract.

50 Sec. 12. NEW SECTION. TERMINATION OF CONTRACT.

Page 8

1 1. If the beneficiary of a prearrangement contract
2 changes his or her place of legal residence to a place
3 that makes delivery of part or all of the goods or
4 services impossible or impracticable, the buyer is
5 entitled to cancel the contract, and upon submitting
6 a written request to the licensee is entitled to
7 receive a refund equal to the greater of the sum paid
8 by the buyer toward the purchase price of the contract
9 or the amount held in trust with respect to the
10 contract. Refunds shall be made within thirty days
11 after receipt of the request.

12 2. Upon default by a licensee of a prearrangement
13 contract, the buyer is entitled, upon submitting a
14 written demand to the licensee, to receive a refund

15 equal to the greater of the sum paid by the buyer
16 toward the purchase price of the contract or the
17 amount held in trust with respect to the contract.
18 Refund shall be made within thirty days after receipt
19 of the demand.

20 3. A prearrangement contract terminates if the
21 licensee ceases doing business, dies, becomes insolvent
22 or bankrupt, makes an assignment for the benefit of
23 creditors, or otherwise is unable to satisfy
24 obligations under this chapter unless, within thirty
25 days of the occurrence of the event or within such
26 additional period of time as may be granted by the
27 department, the contract is assigned to another
28 licensee who agrees in a writing submitted to the
29 department to accept all liabilities and obligations
30 arising out of the contract. An assignment does not
31 preclude a termination until written approval is
32 issued by the department.

33 4. A prearrangement contract terminates upon a
34 breach of the contract by the buyer unless the parties
35 agree following the occurrence of the breach to waive
36 the termination of the contract because of that breach.
37 Upon a termination, the buyer is entitled to receive
38 a refund equal to the greater of the sum paid by the
39 buyer toward the purchase price of the contract or
40 the amount held in trust with respect to the contract.

41 5. A prearrangement contract terminates if the
42 beneficiary dies before the buyer has paid the full
43 purchase price, unless the parties or their
44 representatives agree at the time of death to an
45 alternate method of performance. Upon a termination
46 the buyer is entitled to receive a refund equal to
47 the greater of the sum paid by the buyer toward the
48 purchase price or the amount held in trust with respect
49 to the contract.

50 6. A prearrangement contract terminates if for

Page 9

1 any reason the heir or personal representative of
2 the beneficiary refuses to accept delivery. Upon
3 a termination, the buyer is entitled to receive a
4 refund equal to the greater of the sum paid by the
5 buyer toward the purchase price or the amount held
6 in trust with respect to the contract.

7 7. A licensee may not cancel a prearrangement
8 contract except upon the default of the buyer.

9 8. Nothing contained in this section prohibits
10 or restricts a buyer who is receiving public assistance
11 from making an irrevocable prearrangement contract
12 in accordance with rules of the department of social

13 services.

14 Sec. 13. NEW SECTION. DESIGNATION OF TRUST FUND
15 RECIPIENTS.

16 1. A licensee shall designate in writing to the
17 department one or more individuals, either by name
18 or by office or position, who shall be personally
19 responsible for the receipt of trust funds and delivery
20 of trust funds to the financial institution in which
21 the funds are to be held. A licensee shall not
22 substitute another individual except upon prior notice
23 to the department.

24 2. A person designated as the trustee of a trust
25 account or common trust fund shall not be replaced
26 without prior written notice to and approval by the
27 department.

28 Sec. 14. NEW SECTION. TRUST IMPOSED.

29 1. Except as provided in subsection 5,
30 consideration received from a buyer under a
31 prearrangement contract is impressed with a trust
32 to the following extent:

33 a. With respect to services, seventy-five percent
34 of the purchase price of the services contracted for.

35 b. With respect to goods, an amount equal to one
36 hundred twenty-five percent of the ascribed cost of
37 the goods contracted for. Ascribed cost shall be
38 a cost figure determined on the basis of the average
39 wholesale price of fungible goods available for
40 purchase on the wholesale market during the preceding
41 year.

42 2. If the purchase price is payable by the buyer
43 in two or more payments, the amount received in trust
44 is as follows:

45 a. With respect to services, that portion of each
46 payment which bears the same relation to seventy-five
47 percent of the price of the services as the amount
48 of the payment bears to the total purchase price.

49 b. With respect to goods, that portion of each
50 payment which bears the same relation to one hundred

Page 10

1 twenty-five percent of the ascribed cost of the goods
2 as the amount of the payment bears to the total
3 purchase price.

4 3. Money received in trust under this section
5 shall not be used, transferred or disbursed except
6 as permitted by this chapter.

7 4. The department may, pursuant to administrative
8 rules, reduce the amount required to be entrusted
9 under this section with respect to any licensee who
10 provides the department with evidence of financial

11 responsibility that is equivalent to the trust
12 requirements of this chapter.

13 5. A licensee is entitled to retain, for purposes
14 of covering selling expenses, servicing costs and
15 general overhead, an amount not to exceed one-half
16 of each payment received until the licensee has
17 received for its own use and benefit an amount not
18 to exceed ten percent of the purchase price.

19 **Sec. 15. NEW SECTION. TRUST FUND REQUIREMENTS.**

20 1. A licensee shall designate a trustee to
21 administer funds received in trust under this chapter.
22 The trustee shall be a state or national bank or trust
23 company authorized to engage in business as a trustee
24 in this state.

25 2. Funds deposited with a trustee shall be held
26 in a common trust fund under a written trust agreement
27 naming the seller as trustor for the benefit of the
28 buyers and beneficiaries of prearrangement contracts.
29 The trust shall be administered in accordance with
30 the provisions of this chapter, including any
31 amendments enacted after the effective date of the
32 trust agreement.

33 3. The trustee of the trust fund shall maintain
34 accurate accounts, books and records of all trust
35 fund transactions. The accounts, books and records
36 shall be subject to examination by the department.

37 **Sec. 16. NEW SECTION. RECORDS.**

38 1. A licensee shall maintain accurate and current
39 accounts, books and records for each prearrangement
40 contract, and shall retain these documents for a
41 period of three years following performance or other
42 disposition of the contract. All accounts, books
43 and records shall comply with generally accepted
44 accounting principles.

45 2. The accounts, books and records required of
46 a licensee include all of the following:

- 47 a. A copy of each prearrangement contract.
- 48 b. With respect to each contract, a record of
- 49 payments received, amounts deposited in trust,
- 50 adjustments to trust balance, disbursements from trust

Page 11

1 and the reason for each disbursement and the recipient
2 of the disbursement, and the date of every transaction.

3 c. The name and address of each financial
4 institution in which trust funds are held, and the
5 account number or its equivalent for each trust
6 account.

7 d. The aggregate amount of funds held in trust,
8 and a reconciliation of this amount with individual

9 prearrangement contracts. All accounts must be
10 reconciled at least quarterly, and on the same closing
11 date.

12 e. A copy of each document which serves as
13 authority under this chapter for the disbursement -
14 of trust funds.

15 f. Other documents or records required by
16 administrative rule.

17 3. All accounts, books and records required by
18 this section shall be maintained in this state and
19 at the business location designated on the license.

20 Sec. 17. NEW SECTION. EARNINGS OF TRUST FUNDS.

21 Earnings on entrusted funds shall be credited to the
22 accounts of the respective contracts for which the
23 trust funds are held, and shall be subject to
24 reinvestment and distribution in the same manner as
25 the original principal.

26 Sec. 18. NEW SECTION. DISTRIBUTION OF TRUST FUND.

27 1. The money held in trust with respect to a
28 prearrangement contract shall be subject to
29 distribution to the licensee upon the delivery of
30 the goods and services as required by the contract.
31 Disbursement shall not be made by the trustee until
32 receipt of a written acknowledgement by the buyer
33 or his or her heir or representative of performance
34 of the contract, or until the expiration of ten days
35 following receipt from the licensee of a written
36 verification of performance of the contract.

37 2. If a prearrangement contract is terminated
38 or canceled prior to performance for any of the causes
39 set forth in section 12 of this Act, the buyer is
40 entitled to receive a refund of the amount held in
41 trust with respect to the contract. Distribution
42 shall be made within thirty days after the receipt
43 of a written request for a refund.

44 Sec. 19. NEW SECTION. TRUST FUNDS EXEMPT FROM
45 PROCESS.

46 1. In the absence of fraud, funds held in trust
47 as required by this chapter are not subject to
48 attachment, garnishment or other process, or to
49 seizure, appropriation or application by any legal
50 or equitable process or by operation of law to any

Page 12

1 debt or liability of the licensee, buyer or beneficiary
2 under a prearrangement contract, except a debt or
3 liability of the licensee to the buyer arising out
4 of the prearrangement contract.

5 Sec. 20. NEW SECTION. ANNUAL REPORT.

6 1. A licensee shall submit an annual report to

7 the department on forms supplied by the department.
8 The report shall be filed not later than March 31,
9 and shall disclose the condition of the licensee as
10 of January 1 of the year in which filed.

11 2. The annual statement shall contain or be
12 accompanied by all of the following:

13 a. An itemization of all outstanding prearrangement
14 contracts, the dates of execution of these contracts,
15 the names of all parties and beneficiaries under these
16 contracts, the amount paid by the buyer with respect
17 to each contract and the amount remaining to be paid
18 by the buyer under each contract.

19 b. The name and address of the place of business
20 of the licensee.

21 c. Verification by the licensee of the following:

22 (1) The licensee and the trustee had sufficient
23 funds available during the calendar year to perform
24 obligations under contracts.

25 (2) The licensee and trustees have complied with
26 this chapter and rules of the department.

27 d. Such other information as may be considered
28 necessary by the department in order for it to meet
29 its responsibilities under this chapter.

30 3. If the licensee is an individual, the statement
31 shall be sworn by him or her; if a firm or association,
32 by all members thereof; and if a corporation, by the
33 president and secretary thereof.

34 **Sec. 21. NEW SECTION. EXAMINATION OF RECORDS.**

35 The department shall, from time to time and at least
36 once every three years, examine the records and affairs
37 of each licensee or other person in relation to all
38 matters relevant to the financial affairs of the
39 licensee. The licensee or other person shall produce
40 or make these records available for examination upon
41 the request of the department. The department may
42 examine the records and affairs of a licensee or other
43 person at any time, whether or not in relation to
44 a formal examination. A written report of each
45 examination shall be maintained on file by the
46 department and shall be subject to examination and
47 copying by any person under chapter 68A.

48 **Sec. 22. NEW SECTION. FEES.**

49 1. An applicant for initial licensure under this
50 chapter shall submit an application processing fee

Page 13

1 of one hundred dollars. The processing fee is not
2 subject to refund for any reason.

3 2. A licensee shall pay a fee for each examina-
4 tion required or permitted by this chapter as

5 determined by the department, provided that the fee
6 shall not exceed five hundred dollars for any
7 examination. The fee shall be based on the costs
8 of each examination, including the salary and travel
9 expenses of the examiner and all expenses incurred
10 in the examination, plus those costs of operating
11 and maintaining the department incurred as a result
12 of this chapter. Each licensee shall be assessed
13 a proportionate share of overall costs, based on the
14 following schedule:

15 a. Each licensee having less than fifty outstanding
16 prearrangement contracts shall pay a fee of fifty
17 dollars plus an amount equal to one-fourth of one
18 percent of the total amount held in trust.

19 b. Each licensee having fifty or more outstanding
20 prearrangement contracts shall pay a fee of one hundred
21 dollars plus an amount equal to one-fourth of one
22 percent of the total amount held in trust.

23 Sec. 23. NEW SECTION. ADMINISTRATIVE RULES.

24 The department may adopt rules that are reasonably
25 necessary in the administration and enforcement of
26 this chapter.

27 Sec. 24. NEW SECTION. REMEDIAL ORDERS.

28 1. Upon notice and opportunity for hearing, the
29 department may issue a remedial order against a person
30 who is in violation of the requirements of this
31 chapter. The respondent shall comply with the remedial
32 order within such reasonable period of time as may
33 be stated by the department in the order. The use
34 of this authority by the department is discretionary,
35 and is not required as a condition precedent to any
36 other administrative, criminal or civil proceeding.

37 2. A hearing under this section shall be conducted
38 as a contested case under chapter 17A.

39 Sec. 25. NEW SECTION. JUDICIAL ASSISTANCE.

40 1. The department may commence an action in the
41 district court to obtain such remedial orders as may
42 be necessary to stop or prevent violations of this
43 chapter.

44 2. The board may commence an action in the district
45 court to compel compliance with the requirements of
46 this chapter, including rules promulgated under this
47 chapter, or to compel compliance with a remedial order
48 issued by the board.

49 Sec. 26. NEW SECTION. REVOCATION OF LICENSE.

50 1. The department may revoke a license issued

1 under this chapter upon any of the following grounds:

2 a. Failure of the licensee to file a required

3 report.

4 b. Failure of the licensee to maintain proper
5 bond.

6 c. Violation by a licensee or by any of its
7 employees or agents of any provision of this chapter
8 or any rule adopted under this chapter.

9 d. The existence of any fact which, if it had
10 existed at the time of application for the licensee,
11 would have been grounds for denial of a license.

12 e. Failure of a licensee to comply with a remedial
13 order issued by the department or by the district
14 court.

15 f. Bankruptcy of the licensee.

16 g. Dissolution of the business organization of
17 the licensee, whether voluntary or involuntary.

18 2. Upon revocation of a license the department
19 shall issue such orders as may be necessary to protect
20 the beneficiaries of prearrangement contracts.

21 3. Revocation of a license does not absolve the
22 licensee from liability on existing prearrangement
23 contracts, and does not absolve the licensee from
24 depositing funds into trust out of payments received
25 from buyers subsequent to the date of revocation.

26 Sec. 27. NEW SECTION. VOLUNTARY LICENSE
27 CANCELLATION.

28 1. A licensee may request in writing that the
29 department cancel a license issued under this chapter.
30 At the time of submitting the request the licensee
31 shall surrender the license, or in the event of its
32 loss or destruction the licensee shall submit a sworn
33 statement to that effect.

34 2. A request for cancellation shall be accompanied
35 by an affidavit of the licensee setting forth the
36 following particulars:

37 a. The amount of trust funds held under this
38 chapter, if any.

39 b. Whether or not those trust funds are to be
40 refunded, and if so, the manner in which they are
41 to be refunded.

42 c. Whether or not the obligations of the licensee
43 under outstanding prearrangement contracts, if any,
44 are to be assumed by another licensee, and if so the
45 name and address of that licensee.

46 d. The date on which the licensee and its employees
47 and agents ceased to sell goods or services pursuant
48 to prearrangement contracts.

49 e. The specific reasons why the licensee wishes
50 to cancel the license.

Page 15

1 f. Whether or not any civil or criminal actions
2 are pending against the licensee in this state, and
3 if so, the title, case number, jurisdiction and nature
4 of each action.

5 g. Other information required by administrative
6 rule.

7 3. Upon receipt of a request to cancel a license,
8 the department shall schedule the case for hearing
9 as a contested case. The department was given written
10 notice of the request to the attorney general.

11 4. The department shall not cancel a license upon
12 the request of a licensee except upon proof that the
13 following conditions are satisfied, where applicable:

14 a. The rights of buyers under outstanding
15 prearrangement contracts are secured, either through
16 restitution of all payments made on these contracts,
17 including the refunds payable out of trust, or through
18 assumption by a qualified person of the performance
19 obligations under those contracts, or through an
20 undertaking filed by the licensee that it will per-
21 form all contracts as the obligations arise in the
22 future.

23 b. If the outstanding prearrangement contracts
24 are to be assigned, the assignee agrees in writing
25 with the department that it will comply with all
26 relevant provisions of this chapter with respect to
27 the contracts.

28 c. If the licensee is to perform the obligations
29 of outstanding contracts, the licensee agrees in
30 writing with the department that it will comply with
31 all relevant provisions of this chapter until such
32 time as all contract obligations have been satisfied
33 and all trust funds distributed as permitted by this
34 chapter.

35 d. If contracts are to be assigned, completion
36 of such written documents as may be necessary to
37 assure the continued existence of a qualified trustee.

38 Sec. 28. NEW SECTION. DISSOLUTION. A licensee
39 shall give written notice to the department of the
40 initiation of any voluntary or involuntary proceedings
41 to dissolve the business entity of the licensee.
42 The department shall take such actions and shall issue
43 such orders as may be necessary to assure the proper
44 disposition of trust funds; including but not limited
45 to the commencement of an action for the appointment
46 of a receiver. Upon written application and pursuant
47 to hearing, the department may authorize the assignment
48 of prearrangement contracts to another qualified
49 person and the appointment of another trustee.

50 Sec. 29. NEW SECTION. LIABILITY OF SELLER FOR

Page 16

1 BREACH OF CONTRACT. Nothing contained in this chapter
2 shall absolve a seller from liability for breach of
3 a prearrangement contract, provided that any amount
4 refunded from trust shall mitigate damages incurred.

5 Sec. 30. NEW SECTION. PENALTIES.

6 1. A person who conducts business without a license
7 in violation of this chapter commits an aggravated
8 misdemeanor.

9 2. A licensee who fails to comply with the
10 requirements of this chapter or rules promulgated
11 under this chapter commits a serious misdemeanor.

12 Sec. 31. Section 156.9, subsection 3, Code 1981,
13 is amended to read as follows:

14 3. If the funeral director ~~generally engages in~~
15 ~~the business of selling or issuing burial contracts~~
16 ~~or burial certificates in anticipation of the death~~
17 ~~of a person, or enters into any contract with another~~
18 ~~person to furnish funeral supplies or funeral service~~
19 ~~to persons who have been solicited by or who have~~
20 ~~agreed with that person to purchase the supplies or~~
21 ~~services. This subsection shall not apply to contracts~~
22 ~~with the United States or any department of the federal~~
23 ~~government or to any contract made in conjunction~~
24 ~~with the sale of any life insurance policy issued~~
25 ~~by a life insurance company licensed to transact~~
26 ~~business in Iowa.~~

27 Sec. 32. Section 156.12, Code 1981, is repealed.

28 Sec. 33. NEW SECTION. EFFECTIVE DATE—APPLICA-
29 BILITY.

30 1. This Act takes effect January 1 following its
31 enactment.

32 2. The department of banking may promulgate rules
33 prior to the effective date of this Act, provided
34 that any such rule shall take effect on the effective
35 date of this Act.

36 3. A person engaged in the business of selling
37 goods or services through prearrangement contracts
38 on the effective date of this Act has a privilege
39 to continue to make such sales without a license after
40 the effective date of this Act, provided, however,
41 that this privilege shall exist only if the applicant
42 submits an application for a license within thirty
43 days after the effective date, and this privilege
44 terminates at such time thereafter as the department
45 either denies a license or issues a license, and
46 further provided that the seller otherwise shall
47 comply with the provisions of this chapter."

Trucano of Polk offered the following amendment H—5302, to amendment H—5294, filed by her from the floor and moved its adoption:

H—5302

- 1 Amend amendment H—5294 to House File 2218, as
- 2 follows:
- 3 1. Page 10, by inserting after line 18, the
- 4 following:
- 5 "Sec. . NEW SECTION. DEPOSIT OF TRUST FUNDS.
- 6 All money received in trust under this chapter shall,
- 7 within thirty days after receipt, be deposited in a
- 8 savings and loan association or state or national
- 9 bank authorized to transact business in this state.
- 10 The deposit accounts or trust accounts shall be held
- 11 in the name of the licensee for the benefit of
- 12 buyers and beneficiaries of prearrangement contracts."
- 13 2. By renumbering as necessary.

Amendment H—5302, to amendment H—5294, was adopted.

Trucano of Polk offered the following amendment H—5301, to amendment H—5294, filed by her from the floor and moved its adoption:

H—5301

- 1 Amend amendment H—5294 to House File 2218, as
- 2 follows:
- 3 1. Page 11, by striking lines 40 and 41 and
- 4 inserting in lieu thereof the following: "entitled
- 5 to receive a refund of the amount provided for by
- 6 section 12 of this Act. Distribution".

Amendment H—5301, to amendment H—5294, was adopted.

Trucano of Polk offered the following amendment H—5303, to amendment H—5294, filed by her from the floor and moved its adoption:

H—5303

- 1 Amend amendment H—5294 to House File 2218, as
- 2 follows:
- 3 1. Page 13, line 44, by striking the word
- 4 "board" and inserting in lieu thereof the word
- 5 "department".

- 6 2. Page 13, line 48, by striking the word
7 "board" and inserting in lieu thereof the word
8 "department".

Amendment H—5303, to amendment H—5294, was adopted.

Trucano of Polk moved the adoption of amendment H—5294, as amended.

Clark of Lee rose on a point of order that amendment H—5294, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5294, as amended, not germane.

Horn of Linn called up for consideration the following amendment H—5198 filed by Horn, Running and Trucano and moved its adoption:

H—5198

- 1 Amend House File 2218 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Sections 2 through 12 of this Act
- 5 are enacted as a new chapter of the Code.
- 6 Sec. 2. NEW SECTION. PURPOSE AND SCOPE. The
- 7 purpose of this chapter is to provide security for
- 8 the performance of contracts, transactions, or other
- 9 arrangements under which individuals obtain and pay
- 10 in advance for goods or services to be used in
- 11 connection with and at the final disposition of their
- 12 own bodies or those of other persons after death.
- 13 This chapter applies to any contract that contains
- 14 these provisions, including but not limited to a
- 15 contract for the sale of goods or services, or a
- 16 contract to procure goods or services as an agent
- 17 or independent contractor on behalf of the buyer.
- 18 Sec. 3. NEW SECTION. OTHER LAWS NOT AFFECTED.
- 19 This chapter does not supersede chapter 156, relating
- 20 to the licensure of funeral directors.
- 21 Sec. 4. NEW SECTION. DEFINITIONS. As used in
- 22 this chapter, unless the context otherwise requires:
- 23 1. "Department" means the department of banking.
- 24 2. "Licensee" means a person who is required to
- 25 be licensed under this chapter.
- 26 Sec. 5. NEW SECTION. LICENSE REQUIRED. A person
- 27 shall not offer or contract to deliver or to secure

28 the delivery of goods or services pursuant to a
29 prearrangement contract except when licensed under
30 this chapter and except in accordance with this
31 chapter. This section does not require the licensure
32 of officers, employees, or agents of a licensee while
33 engaged in the solicitation or execution of contracts
34 on behalf of the licensee.

35 Sec. 6. NEW SECTION. LICENSE APPLICATION. An
36 application for a license shall be in a verified
37 writing on forms furnished by the department. The
38 application form shall contain or be accompanied by
39 all of the following:

40 1. The applicant's name and business address,
41 and the address of each of the applicant's offices
42 within this state.

43 2. The name of each state or other jurisdiction
44 in which the applicant presently is conducting the
45 activity regulated under this chapter or any other
46 similar business, the names under which the business
47 is conducted, and the business addresses within each
48 state or other jurisdiction.

49 3. A description of any adverse order, judgment,
50 or decree entered against the applicant by a regulatory

Page 2

1 agency or court in any state or other jurisdiction
2 in relation to the activity regulated under this
3 chapter or any other similar business.

4 4. The name of the jurisdiction in which the
5 applicant is organized as a corporation, and a copy
6 of the articles of incorporation.

7 5. The name, address or residence, and principal
8 occupation for the past three years of every director
9 and officer of the applicant or every person occupying
10 a similar status or performing similar functions;
11 and the name, address, and principal occupation for
12 the past three years of every principal owner and
13 principal stockholder, and for this purpose, any
14 person whose interest in the applicant exceeds twenty-
15 five percent of the outstanding interests is a
16 principal owner or stockholder.

17 6. Copies of the current tax return or financial
18 statement of the applicant.

19 7. The name and address of each financial
20 institution by which trust funds are to be held or
21 administered under this chapter, and a copy of all
22 trust agreements.

23 8. If any of the goods or services to be delivered
24 under a contract are to be supplied by a person other
25 than the applicant, the name and address of that

26 person, a description of each item to be supplied
27 by that person, and a copy of the contract, whether
28 existing or proposed, between the applicant and that
29 person under which the goods or services are to be
30 supplied.

31 9. An irrevocable appointment of the department
32 as agent for the receipt of service of process in
33 any civil proceeding arising under this chapter against
34 the applicant, its principal owners, principal
35 stockholders, directors or general manager, or their
36 personal representatives.

37 10. An application fee of one hundred dollars.

38 Sec. 7. NEW SECTION. ISSUANCE OR DENIAL OF
39 LICENSE.

40 1. Upon receipt of proper application, the
41 department shall issue a license if the department
42 determines that the following criteria are satisfied:

43 a. The applicant has met all general requirements
44 for engaging in business in this state.

45 b. The officers or persons occupying similar
46 status or performing similar functions have the
47 ability, experience, integrity, financial stability,
48 and responsibility to engage in the licensed activity.

49 2. The department shall deny the license if it
50 is determined that the application is incomplete,

Page 3

1 that the applicant has made false statements or
2 misrepresentations in the application, that the
3 applicant is insolvent, that the applicant has
4 conducted business in a fraudulent manner, that the
5 applicant is not authorized to transact business in
6 this state, or that the required trust fund or
7 depository has not been properly established. If
8 a license is denied, the department shall give written
9 notice to the applicant setting forth the specific
10 reasons for denial and the method by which the
11 applicant may remedy the deficiency. If the denial
12 is not remedied within thirty days, the applicant
13 may request a hearing on the denial. The hearing
14 should be conducted as a contested case under chapter
15 17A.

16 3. The department shall either issue or deny a
17 license within ninety days following receipt of proper
18 application unless the period is extended with consent
19 of the applicant.

20 4. Upon issuance of a license, the licensee shall
21 post and maintain the license on the business premises
22 of the licensee and in a place where the license is
23 readily visible to customers of the licensee.

24 5. A license issued under this chapter shall be
25 for a term of five years from the date issued, and
26 may be renewed upon application and payment of the
27 application fee.

28 Sec. 8. NEW SECTION. DELIVERY. Delivery of goods
29 pursuant to a prearrangement contract shall be by
30 actual or constructive delivery in accordance with
31 chapter 554.

32 Sec. 9. NEW SECTION. TRUST IMPOSED.

33 1. Consideration received from a buyer under a
34 prearrangement contract is impressed with a trust
35 to the following extent:

36 a. With respect to services, seventy-five percent
37 of the purchase price of the services contracted for.

38 b. With respect to goods, an amount equal to one
39 hundred ten percent of the ascribed cost of the goods
40 contracted for. Ascribed cost is a cost figure
41 determined on the basis of the average wholesale price
42 of similar goods available for purchase on the
43 wholesale market during the preceding year.

44 2. If the purchase price is payable by the buyer
45 in two or more payments, the amount received in trust
46 is as follows:

47 a. With respect to services, that portion of each
48 payment which bears the same relation to seventy-five
49 percent of the price of the services as the amount
50 of the payment bears to the total purchase price.

Page 4

1 b. With respect to goods, that portion of each
2 payment which bears the same relation to one hundred
3 ten percent of the ascribed cost of the goods as the
4 amount of the payment bears to the total purchase
5 price.

6 Sec. 10. NEW SECTION. TRUST FUND REQUIREMENTS.

7 1. The trustee of the trust fund shall maintain
8 accurate accounts, books, and records of all trust
9 fund transactions. The accounts, books, and records
10 are subject to examination by the department.

11 2. The department may authorize a licensee to
12 act as trustee of a trust fund established under this
13 section upon written application by the licensee.
14 Authorization shall be given by the department if
15 the licensee establishes one or more of the following:

16 a. The licensee is financially responsible in
17 accordance with criteria established by rule.

18 b. No state or national bank or trust company
19 that is convenient to the licensee's place of business
20 will accept the funds.

21 c. The licensee files with the department a

22 performance bond or its equivalent equal to fifty
23 percent of the value of the trust fund.

24 d. Other criteria established by administrative
25 rule.

26 Sec. 11. NEW SECTION. REVOCATION OF LICENSE.

27 1. The department may revoke a license issued
28 under this chapter with a hearing conducted as a
29 contested case under chapter 17A upon any of the
30 following grounds:

31 a. Violation by a licensee or by any of its
32 employees or agents of any provision of this chapter.

33 b. The existence of any fact which, if it had
34 existed at the time of application for the licensee,
35 would have been grounds for denial of a license.

36 c. Bankruptcy of the licensee.

37 d. Dissolution of the business organization of
38 the licensee, whether voluntary or involuntary.

39 2. Upon revocation of a license the department
40 shall issue orders as necessary to protect the
41 beneficiaries of prearrangement contracts.

42 3. Revocation of a license does not absolve the
43 licensee from liability on existing prearrangement
44 contracts, and does not absolve the licensee from
45 depositing funds into trust with respect to payments
46 received subsequent to the date of revocation.

47 Sec. 12. NEW SECTION. PENALTIES.

48 1. A person who conducts business without a license
49 in violation of this chapter commits an aggravated
50 misdemeanor.

Page 5

1 2. A licensee who fails to comply with this chapter
2 commits a serious misdemeanor.

3 Sec. 13. Chapter 523A, Code 1981, is repealed.

4 Sec. 14. This Act takes effect January 1 following
5 enactment, and applies to contracts executed on or
6 after that date."

7 2. Amend the title, by striking lines 1 and 2
8 and inserting in lieu thereof the words "An Act
9 regulating the pre-need sale of funeral and cemetery
10 goods or services and providing penalties."

Clark of Lee rose on a point of order that amendment H-5198 was not germane.

The Speaker ruled the point well taken and amendment H-5198 not germane.

Running of Linn moved that the rules be suspended to consider amendment H—5198.

Roll call was requested by Woods of Polk and Horn of Linn.

On the question "Shall the rules be suspended to consider amendment H—5198?"

The ayes were, 30:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Chiodo	Connolly	Connors	Corey
Davitt	Fey	Gettings	Horn
Howell	Knapp	Pavich	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Swartz	Trucano	Walter
Welsh	Woods		

The nays were, 63:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Cochran	Conlon
Cook	Crabb	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
O'Kane	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Stueland
Sullivan	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 6:

Byerly	Clark, B. J.	Harbor	Krewson
Lind	Norland		

The motion lost.

Corey of Louisa offered the following amendment H—5195 filed by Corey, Carpenter and Brandt and moved its adoption:

H—5195

1 Amend House File 2218 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 523A.1, Code 1981, is amended
5 to read as follows:

6 523A.1 TRUST FUND ESTABLISHED.

7 1. Whenever an agreement is made by any person,
8 firm or corporation for the final disposition of a
9 dead human body wherein delivery of personal property
10 to be used under a prearranged funeral plan or the
11 furnishing of professional services of a funeral
12 director or embalmer in connection therewith, is not
13 immediately required, ~~eighty percent of all payments~~
14 ~~made under the agreement the amount specified in~~
15 subsection 2, including interest thereon, shall be
16 and remain trust funds until occurrence of the death
17 of the person for whose benefit the funds were paid,
18 unless said funds are sooner released to the person
19 making such payment by mutual consent of the parties.

20 2. The amount to be held in trust under subsection
21 1 is equal to the sum of the following:

22 a. The contract price of funeral services to be
23 delivered under the agreement.

24 b. The adjusted wholesale cost of funeral
25 merchandise to be delivered under the agreement.

26 3. For purposes of subsection 2, "adjusted
27 wholesale cost" means the wholesale cost of the funeral
28 merchandise as of the date of execution of the
29 agreement, provided that each year after the date
30 of execution of the agreement the seller shall deposit
31 an additional amount into trust equal to the increase
32 in the wholesale price of the funeral merchandise
33 during the previous year."

34 2. By renumbering sections.

Amendment H—5195 lost.

Running of Linn offered the following amendment H—5199 filed
by Running, Baxter and Trucano and moved its adoption:

H—5199

1 Amend House File 2218 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 523A.1, Code 1981, is amended
5 to read as follows:

6 523A.1 Trust fund established. Whenever
7 an agreement is made by any person, firm
8 or corporation for the final disposition of a dead
9 human body wherein delivery of personal property to

10 be used under a prearranged funeral plan or the
 11 furnishing of professional services of a funeral
 12 director or embalmer in connection therewith, is not
 13 immediately required, ~~eighty~~ fifty percent of all
 14 payments made under the agreement, including interest
 15 thereon, shall be and remain trust funds until
 16 occurrence of the death of the person for whose
 17 benefit the funds were paid, unless said funds are
 18 sooner released to the person making such payment by
 19 mutual consent of the parties."

Roll call was requested by Trucano of Polk and Running of Linn.

Rule 80 was invoked.

On the question "Shall amendment H—5199 be adopted?"

The ayes were, 26:

Arnould	Baxter	Brandt	Bruner
Byerly	Chiodo	Clark, B. J.	Conlon
Connolly	Corey	Fey	Halvorson, R. A.
Harbor	Horn	Hummel	Knapp
Lageschulte	Lind	Rapp	Ritsema
Rosenberg	Running	Spear	Sturgeon
Walter	Woods		

The nays were, 72:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Carl	Carpenter
Clark, J. H.	Clements	Cochran	Connors
Cook	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Mr. Speaker

Absent or not voting, 1:

Krewson

Amendment H—5199 lost.

Trucano of Polk offered amendment H—5181 filed by her as follows:

H—5181

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, line 13, by inserting after the number
- 3 "523A.1" the words "or until delivery. For purposes
- 4 of this section, delivery of funeral merchandise is
- 5 deemed to be made when the merchandise is placed in
- 6 a bonded warehouse and is identifiable as the property
- 7 of the buyer or when the property is released to the
- 8 buyer".

The following amendment H—5312, to amendment H—5181, filed by Trucano of Polk from the floor was adopted by unanimous consent:

H—5312

- 1 Amend amendment H—5181 to House File 2218, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the word
- 4 "bonded" and inserting in lieu thereof the word
- 5 "licensed".

Trucano of Polk moved the adoption of amendment H—5181, as amended.

Amendment H—5181, as amended, lost.

(House File 2218 pending at adjournment.)

MOTIONS TO RECONSIDER

(Amendment H—5233B to House File 2363)

I move to reconsider the vote by which amendment H—5233B to House File 2363 was adopted by the House on March 3, 1982.

SWEARINGEN of Keokuk

(Amendment H—5199 to House File 2218)

I move to reconsider the vote by which amendment H—5199 to House File 2218 failed to be adopted by the House on March 3, 1982.

TRUCANO of Polk

HOUSE CONCURRENT RESOLUTION 123

By Pope and Avenson

- 1 *Whereas*, proper nutrition is essential to sustain
2 life; and
3 *Whereas*, the quality of the food a person consumes
4 significantly effects a person's health and well-being;
5 and
6 *Whereas*, the availability of a safe and nutritious
7 supply of food is a basic right of individuals; *Now*
8 *Therefore*,
9 *Be It Resolved by the House of Representatives, the*
10 *Senate Concurring*, That the general assembly declares
11 March 21 through March 27, 1982 to be "Iowa Nutrition
12 Week"; and
13 *Be It Further Resolved*, That the general assembly
14 urges all Iowans to become concerned with their own
15 nutrition and the nutrition of others in the hope of
16 achieving better public health for the present and
17 the future.

Laid over under Rule 30.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following appointments to fill the vacancy created by the death of Representative Kenneth Miller:

Howell, Rollin K.—Committee on Claims

Lonergan, Joyce—Committee on Ways and Means

Sullivan, William—Committee on Appropriations

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 2, 1982, he approved and transmitted to the Secretary of State the following bills:

Senate File 474, an act relating to the tort liability of governmental subdivisions.

Senate File 494, an act relating to criminal procedure, by amending the rules of criminal procedure relating to change of judge, change of venue and place of trial.

Senate File 574, an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property.

Senate File 2126, an act to change the date of legalization to 1970 for all defects and irregularities in those acts and instruments included in Section 586.1.

Also: That on March 3, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 2171, an act relating to taxation by updating references to the Internal Revenue Code in the state income, franchise, and inheritance tax laws, providing certain changes from and certain coordinating amendments to the Internal Revenue Code, providing for the assessment of computers and machinery used in manufacturing, increasing the personal property tax credit, imposing a minimum tax, increasing the state corporate tax rates, amending certain inheritance tax provisions, making an appropriation, specifying that no provision of the state income tax law requires the state commerce commission to allow or require a particular method of accounting by public utilities, and making certain provisions of the Act retroactive and making the Act effective upon publication.

Senate File 2080, an act relating to the time for the depositing or remitting of, or filing a return on state income tax withheld, sales and services tax collected, or use tax collected or owed.

COMMUNICATION RECEIVED

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

March 1, 1982

Members of the House of Representatives,
Secretaries, Staff, Doormen, Legislative
Service Bureau:

The family of Kenny Miller wish to express their gratitude for the beautiful spray of flowers, the memorial fund, and all the cards and letters written both before and after the end of his illness.

It was Kenny's greatest desire to be able to come back this year, if only for a few days, just to "get things stirred up a little," as he would say it.

I will always have many good memories of the years I worked with him here in the Capitol. He loved the Legislature, and he loved all of you. Once again, thank you for everything.

Sincerely yours,
Shirley Miller
and family

PRESENTATION OF VISITORS

Baxter of Des Moines presented to the House the Honorable William Monroe, former member of the House, representing Des Moines County.

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

Thirty students from Yale, Jamaica, and Bagley, Iowa, accompanied by Ernie Gilson. By Anderson of Audubon.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 723 Ways and Means

Relating to the issuance of bonds payable from the hotel and motel tax.

S.B. 724 Natural Resources

Relating to the licensing of out-of-state bait dealers and fur dealers.

S.B. 725 Ways and Means

To allow financial institutions to carry back a net operating loss a period of ten years or to the tax year in which the financial institution commenced doing business in this state, whichever is later, in computing franchise taxes, and making the Act retroactive to January 1, 1981, effective upon publication.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 216, a bill for an act relating to noxious weeds.

Fiscal Note is not required.

Committee Action: Indefinitely Postponed.

Committee Bill (Formerly House File 2122), relating to procedures to be followed by drainage districts in which are located ditches, drains, or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2302, as amended), relating to the use of municipal sewage sludge as fertilizer.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Senate File 2077, a bill for an act relating to the auditing of claims by a board of directors of a merged area.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON ENERGY

Committee Bill (Formerly Study Bill 695, as amended), providing city and county governments with the authority to levy a property tax for energy conservation improvements and the energy policy council with the authority to assess a fee on state agencies for such improvements.

Fiscal Note is required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly Study Bill 683, as amended), relating to the duties of the office for planning and programming.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H-5300	H.F. 772	Senate Amendment
H-5304	H.F. 855	Schnekloth of Scott
H-5305	S.F. 558	Poffenberger of Dallas
		Hummel of Benton
		Schnekloth of Scott
		Renken of Grundy
H-5306	S.F. 2077	Spear of Lee
H-5307	H.F. 2378	Poffenberger of Dallas
		Smalley of Polk
		Mullins of Kossuth
H-5308	H.F. 2358	Halvorson of Clayton
H-5309	H.F. 2387	Schroeder of Pottawattamie
H-5310	H.F. 2396	Schroeder of Pottawattamie
		Schnekloth of Scott
H-5311	H.F. 2367	Brandt of Black Hawk
H-5313	H.F. 2361	Doderer of Johnson
H-5314	S.F. 2134	Harbor of Mills
H-5315	H.F. 2218	Pelton of Clinton

On motion by Pope of Polk, the House adjourned at 5:35 p.m., until 9:00 a.m., Thursday, March 4, 1982.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day—Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 4, 1982

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

Prayer was offered by the Reverend Melvin Miller, pastor of the Simpson United Methodist Church, Des Moines.

The Journal of Wednesday, March 3, 1982 was approved.

PETITIONS FILED

The following petitions were received and placed on file:

By Pope of Polk and Avenson of Fayette, from the members of the Des Moines City Council opposing Senate File 482 relating to compensation to owners of advertising devices when removed by the state and Senate File 2151 relating to prohibiting a city from excluding 23 foot wide mobile homes and other manufactured housing from single-family residential areas.

By Pellett of Cass, from thirty constituents of the 95th district opposing House File 2123.

PRESENTATION OF 1982 EASTER SEAL CHILD

Branstad of Winnebago escorted to the front of the Speaker's station and presented to the House Denise Shipler, 1982 Easter Seal Child, representing the State of Iowa for the Easter Seal Society.

Denise, who is twelve years old, was accompanied by her parents, Dennis and Mary Shipler of Burt, her brother Kirk and Mary Jane Odell, Secretary of State and State Easter Seal Chair.

Denise addressed the House and expressed how much Easter Seals have helped her. She said her favorite pasttimes were swimming and playing in the school band. The House responded with a warm welcome. Mary Jane Odell urged everyone to support Easter Seals.

INTRODUCTION OF BILLS

House File 2418, by committee on judiciary and law enforcement, a bill for an act to provide that traffic violation proceedings by the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act.

Read first time and placed on the calendar.

House File 2419, by committee on state government, a bill for an act relating to the duties of the office for planning and programming.

Read first time and placed on the calendar.

House File 2420, by committee on education, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades.

Read first time and placed on the calendar.

House File 2421, by committee on agriculture, a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains, or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

Read first time and placed on the calendar.

House File 2422, by committee on judiciary and law enforcement, a bill for an act to legalize the proceedings of the Oskaloosa community school district relating to a sale of land.

Read first time and placed on the calendar.

House File 2423, by committee on energy, a bill for an act providing city and county governments with the authority to levy a property tax for energy conservation improvements.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2341, a bill for an act relating to establishing a state employee suggestion system.

Also: That the Senate has on March 2, 1982, passed the following bill in which concurrence of the Senate was asked:

House File 2347, a bill for an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal department of labor.

Also: That the Senate has on March 2, 1982, passed the following bill in which concurrence of the House is asked:

Senate File 578, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

Also: That the Senate has on March 1, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

Also: That the Senate has on March 2, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2172, a bill for an act relating to the electronic transfer of funds.

Also: That the Senate has on March 2, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2180, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

Also: That the Senate has on March 2, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2182, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

Also: That the Senate has on March 2, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2183, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

K. MARIE THAYER, Secretary

BUSINESS PENDING AT ADJOURNMENT

Regular Calendar

The House resumed consideration of **House File 2218**, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

Smalley of Polk asked and received unanimous consent to temporarily defer action on amendment H—5197.

Smalley of Polk offered the following amendment H—5190, filed by him and moved its adoption:

H—5190

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, by striking lines 22 through 28 and
- 3 inserting in lieu thereof the words "523A.1 shall
- 4 file not later than February 1 of each year with the
- 5 county recorder of the county in which the seller
- 6 maintains its principal place of business a copy of
- 7 each trust agreement created as required by paragraph
- 8 a of this subsection for sales made during the previous
- 9 calendar year."
- 10 2. Page 1, by striking lines 33 and 34 and
- 11 inserting in lieu thereof the words "given on forms
- 12 furnished by the seller, and shall be given not later
- 13 than February 1 of each year. Each notice shall
- 14 contain the required information for all receipts
- 15 of the seller during the previous calendar year."
- 16 3. Page 2, by striking lines 4 through 7 and
- 17 inserting in lieu thereof the words "be on forms
- 18 furnished by the seller and shall be given not later
- 19 than February 1 of each year. Each notice shall
- 20 contain the required information for all deposits

- 21 made during the previous calendar year. The seller
22 shall furnish the financial institution with the
23 appropriate forms."

Amendment H—5190 was adopted.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—5197, filed by him on February 18, 1982.

Smalley of Polk offered amendment H—5191, filed by him as follows:

H—5191

- 1 Amend House File 2218 as follows:
2 1. Page 2, by inserting after line 7 the following:
3 "f. Notwithstanding chapter 68A, all records
4 maintained by a county recorder under this subsection
5 shall be confidential and shall not be made available
6 for inspection or copying by any person except the
7 county attorney or a representative of the county
8 attorney."

Hansen of O'Brien in the chair at 9:27 a.m.

Smalley of Polk moved the adoption of amendment H—5191.

Amendment H—5191 was adopted.

Howell of Floyd offered the following amendment H—5280, filed by him and moved its adoption:

H—5280

- 1 Amend House File 2218 as follows:
2 1. Page 3, by inserting after line 10 the
3 following:
4 "Sec. . Chapter 523A, Code 1981, is amended
5 by adding the following new section:
6 **NEW SECTION. COUNTY REIMBURSEMENT FOR RECORD**
7 **KEEPING AND ENFORCEMENT.** Each county treasurer shall
8 be reimbursed from the general fund of the state in
9 an amount equal to the record keeping required of
10 the county recorder and enforcement cost sustained
11 by the county attorney in carrying out the actions
12 required by section 2 of this Act. The county
13 treasurer shall receive the vouchers covering the

- 14 costs submitted by the county recorder and the county
15 attorney. The county treasurer shall apportion the
16 disbursement in the manner provided in section 445.57."
17 2. Renumber sections and correct internal
18 references as necessary.

Amendment H—5280 lost.

Horn of Linn offered the following amendment H—5192 filed by
Horn and Lind and moved its adoption:

H—5192

- 1 Amend House File 2218 as follows:
2 1. Page 3, line 32, by striking the words "and
3 monuments" and inserting in lieu thereof the words
4 "monuments, and burial vaults".

Amendment H—5192 lost.

Howell of Floyd offered amendment H—5279 filed by him as
follows:

H—5279

- 1 Amend House File 2218 as follows:
2 1. Page 3, by striking lines 13 through 32 and
3 inserting in lieu thereof the following:
4 "523A.4 SCOPE OF CHAPTER—DEFINITIONS—FUNDING
5 FOR COUNTY RECORDERS AND COUNTY ATTORNEYS.
6 1. This chapter applies to the sale of funeral
7 services and funeral merchandise sold by funeral
8 directors licensed under chapter 156 and burial
9 merchandise sold by persons regulated under chapters
10 566 and 566A.
11 2. As used in this chapter:
12 a. "Funeral services" means one or more services
13 to be provided at the time of the final disposition
14 of a dead human body, including but not limited to
15 services necessarily or customarily provided in
16 connection with a funeral, or services necessarily
17 or customarily provided in connection with the
18 interment, entombment, or cremation of a dead human
19 body, or a combination of these. "Funeral services"
20 does not include perpetual care or maintenance to
21 be furnished after interment.
22 b. "Funeral merchandise" means one or more types
23 of personal property to be used at the time of the
24 final disposition of a dead human body, including

25 but not limited to clothing, caskets, and interment
26 receptacles. "Funeral merchandise" does not include
27 real property, and does not include personal property
28 which will be affixed to real property at the time
29 of sale such as, but not limited to, grave markers,
30 tombstones, and monuments.

31 c. "Burial merchandise" means one or more types
32 of personal property to be used at the time of a final
33 disposition of a dead human body, including but not
34 limited to vaults, vault beds, grave markers,
35 tombstones and monuments.

36 "Burial merchandise" shall be delivered or funds
37 equal to the wholesale cost shall be placed in trust
38 which will be reviewed annually and adjusted so that
39 the total deposit in trust will equal the current
40 wholesale price of the merchandise.

41 3. Each county treasurer shall be reimbursed from
42 the general fund of the state in an amount equal to
43 the record keeping required of the county recorder
44 and enforcement costs sustained by the county attorney
45 in carrying out the actions required by section 1
46 of this Act. The county treasurer shall receive the
47 vouchers covering the costs submitted by the county
48 recorder and the county attorney. The county treasurer
49 shall apportion the disbursement in the manner provided
50 in section 445.57."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone, for the morning session, on request of Crabb of Crawford.

Howell of Floyd moved the adoption of amendment H—5279.

Roll call was requested by Howell of Floyd and Trucano of Polk.

On the question "Shall amendment H—5279 be adopted?"

The ayes were, 28:

Arnould	Binneboese	Brandt	Bruner
Chiodo	Clark, B. J.	Cochran	Connolly
Corey	Davitt	Doderer	Fey
Gettings	Halvorson, R. A.	Horn	Howell
Knapp	Lind	Poncy	Rapp
Renaud	Rosenberg	Running	Spear
Swartz	Trucano	Welsh	Woods

The nays were, 60:

Anderson, J.	Baxter	Bennett	Carl
Carpenter	Clark, J. H.	Clements	Conlon
Cook	Crabb	Daggett	Danker
De Groot	Dieleman	Diemer	Egenes
Gross	Groth	Hall	Halvorson, R. N.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker (Hansen of O'Brien)

Absent or not voting, 11:

Anderson, R.	Avenson	Branstad	Byerly
Connors	Jochum	Lonergan	O'Kane
Pope	Stromer	Walter	

Amendment H—5279 lost.

Corey of Louisa offered amendment H—5188 filed by him as follows:

H—5188

- 1 Amend House File 2218 as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "3. This chapter does not apply to the sale of
- 5 any personal property by a person who is subject to
- 6 chapter 566 or 566A."

Corey of Louisa rose on a point of order that amendment H—5188 was not germane.

The Speaker ruled the point not well taken and amendment H—5188 germane.

Corey of Louisa moved the adoption of amendment H—5188.

Amendment H—5188 lost.

On motion by Halvorson of Clayton, the House was recessed at 10:00 a.m., until 1:30 p.m.

(House File 2218 pending at recess.)

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

BUSINESS PENDING AT RECESS

Regular Calendar

The House resumed consideration of **House File 2218**, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty.

Corey of Louisa offered the following amendment H—5189 filed by him and moved its adoption:

H—5189

- 1 Amend House File 2218 as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "Sec. 3. Chapter 523A, Code 1981, as amended by
- 5 this Act, applies only to agreements executed on or
- 6 after the effective date of this Act. Agreements
- 7 executed prior to the effective date of this Act shall
- 8 be governed by chapter 523A as it existed on the date
- 9 those agreements were executed."

Amendment H—5189 was adopted.

Corey of Louisa asked and received unanimous consent to withdraw amendment H—5270 filed by him on March 1, 1982.

Horn of Linn offered the following amendment H—5283 filed by him and moved its adoption:

H—5283

- 1 Amend House File 2218, as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "Sec. . This Act takes effect July 1, 1983."

Amendment H—5283 lost.

Horn of Linn offered the following amendment H—5284 filed by him and moved its adoption:

H—5284

- 1 Amend House File 2218, as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "Sec. . This Act takes effect January 1, 1983."

Amendment H—5284 lost.

Pelton of Clinton offered the following amendment H—5315 filed by him and moved its adoption:

H—5315

- 1 Amend House File 2218, as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "Sec. . Chapter 523A, Code 1981, is amended
- 5 by adding the following new section:
- 6 NEW SECTION. Any prearranged agreement for the
- 7 sale of funeral services or merchandise under this
- 8 chapter shall be given to the customer at least
- 9 seventy-two hours prior to its execution, and shall
- 10 have affixed to its front the following notice:
- 11 YOU ARE ADVISED TO SEEK PROFESSIONAL ADVICE
- 12 AND CONSULT WITH FAMILY MEMBERS CONCERNING THE
- 13 LEGAL AND FINANCIAL EFFECTS OF THIS AGREEMENT
- 14 BEFORE SIGNING IT. OTHER FINANCIAL
- 15 ARRANGEMENTS ARE AVAILABLE TO ASSURE YOUR
- 16 BURIAL ACCORDING TO YOUR WISHES. ANY PERSON
- 17 OR INSTITUTION OFFERING TO SELL YOU
- 18 PREARRANGED FUNERAL SERVICES OR MERCHANDISE
- 19 MUST PROVIDE YOU THE AGREEMENT FOR YOUR
- 20 REVIEW AT LEAST 72 HOURS BEFORE YOU SIGN IT."

Amendment H—5315 was adopted.

MOTION TO RECONSIDER WITHDRAWN
(Amendment H—5199 to House File 2218)

Trucano of Polk asked and received unanimous consent to withdraw the motion to reconsider amendment H—5199, which failed to be adopted by the House on March 3, 1982, to House File 2218, filed on March 3, 1982.

MOTION TO RECONSIDER LOST
(Amendment H—5192 to House File 2218)

Horn of Linn called up for consideration the motion to reconsider amendment H—5192, to House File 2218, filed on March 4, 1982 and moved to reconsider the vote by which amendment H—5192, found on page 648 of the House Journal, failed to be adopted by the House on March 4, 1982.

A non-record roll call was requested.

The ayes were 40, nays 54.

The motion lost, placing out of order the motion to reconsider amendment H—5192, to House File 2218 which failed to be adopted by the House and filed by Trucano of Polk on March 4, 1982.

MOTION TO RECONSIDER LOST
(Amendment H—5191 to House File 2218)

Poffenberger of Dallas asked and received unanimous consent to reconsider the vote by which amendment H—5191, to House File 2218, and found on page 647 of the House Journal, was adopted by the House on March 4, 1982.

Speaker pro tempore, Menke of O'Brien in the chair at 2:00 p.m.

Poffenberger of Dallas moved to reconsider amendment H—5191.

Roll call was requested by Trucano of Polk and Doderer of Johnson.

Rule 80 was invoked.

On the question "Shall the motion to reconsider amendment H—5191 prevail?"

The ayes were, 48:

Arnould
Brandt
Chiodo

Avenson
Bruner
Clark, B. J.

Baxter
Byerly
Connolly

Binneboese
Carl
Connors

Corey	Dieleman	Doderer	Egenes
Fey	Halvorson, R. A.	Harbor	Horn
Howell	Hummel	Johnson, W.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Loneragan
McKean	Mullins	Pellett	Pelton
Poffenberger	Poncy	Rapp	Renaud
Ritsema	Rosenberg	Running	Smith
Spear	Stromer	Stueland	Sturgeon
Swartz	Trucano	Walter	Woods

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Cochran	Conlon
Cook	Crabb	Daggett	Danker
Davitt	De Groot	Diemer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Jay	Jochum	Johnson, J.	Johnson, R.
Lind	Mann	Maulsby	Norland
O'Kane	Oxley	Pavich	Petrick
Renken	Schneklloth	Schroeder	Shull
Smalley	Sullivan	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker (Menke)			

Absent or not voting, 2:

Anderson, R. Pope

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pope of Polk on request of Halvorson of Clayton; Anderson of Jasper, for a portion of the afternoon, on request of Avenson of Fayette.

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

On the question "Shall the bill pass?" (H.F. 2218)

The ayes were, 82:

Anderson, J.	Arnould	Avenson	Bennett
Binneboese	Branstad	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Connors	Cook	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Renaud
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, 15:

Baxter	Brandt	Bruner	Chiodo
Conlon	Connolly	Corey	Fey
Horn	Howell	Knapp	Rapp
Rosenberg	Running	Walter	

Absent or not voting, 2:

Anderson, R.	Pope
--------------	------

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

CONSIDERATION OF BILLS

Regular Calendar

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on House File 2363 and that the bill retain its place on the calendar.

House File 2376, a bill for an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5266 filed by him and requested division as follows:

H—5266

- 1 Amend House File 2376 as follows:

H—5266A

- 2 1. Page 3, by striking lines 13 through 26.

H—5266B

- 3 2. Page 3, by inserting after line 30 the
- 4 following:
- 5 "Sec. . . Section 280A.16, Code 1981, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The boundary lines of
- 8 a merged area may divide a school district."

H—5266A

- 9 3. Page 5, line 3, by inserting after the word
- 10 "Sections" the figure "280A.4".

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5266A.

Spear of Lee moved the adoption of amendment H—5266B.

Amendment H—5266B was adopted.

Spear of Lee moved the adoption of amendment H—5266A.

Amendment H—5266A was adopted.

Byerly of Polk offered the following amendment H—5274 filed by him and moved its adoption:

H—5274

- 1 Amend House File 2376 as follows:
- 2 1. Page 4, by inserting after line 18 the
- 3 following:
- 4 "Sec. . . Section 280A.22, Code 1981, is amended
- 5 by adding the following new unnumbered paragraph after
- 6 unnumbered paragraph 2.

7 NEW UNNUMBERED PARAGRAPH. If the boundary lines
 8 of a merged area are changed, the levy of the annual
 9 tax provided in this section sufficient to pay the
 10 amount due for a loan agreement and the interest on
 11 the loan agreement to maturity shall continue in any
 12 territory severed from the merged area until the loan
 13 with interest on the loan has been paid in full."
 14 2. By numbering and renumbering sections as
 15 necessary.

Amendment H—5274 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2376)

The ayes were, 95:

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

The nays were, 1:

Lind

Absent or not voting, 3:

Anderson, R.

Howell

Pope

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

House File 2373, a bill for an act relating to the continuation of the activities and functions of the energy policy council, changing the date of the submission of the council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district, with report of committee recommending passage was taken up for consideration.

Howell of Floyd offered the following amendment H—5296 filed by him and moved its adoption:

H—5296

- 1 Amend House File 2373 as follows:
- 2 1. Page 1, line 17, by striking the word "annually"
- 3 and inserting in lieu thereof the word "annually".

Amendment H—5296 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2373)

The ayes were, 97:

Anderson, J.

Bennett

Bruner

Chiodo

Cochran

Cook

Danker

Diemer

Gettings

Halvorson, R. A.

Harbor

Arnould

Binneboese

Byerly

Clark, B. J.

Conlon

Corey

Davitt

Doderer

Gross

Halvorson, R. N.

Hoffmann-Bright

Avenson

Brandt

Carl

Clark, J. H.

Connolly

Crabb

De Groot

Egenes

Groth

Hansen, I.

Holt

Baxter

Branstad

Carpenter

Clements

Connors

Daggett

Dieleman

Fey

Hall

Hanson, D.

Horn

Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, none.

Absent or not voting, 2:

Anderson, R. Pope

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

House File 2346, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate, with report of committee recommending passage was taken up for consideration.

Doderer of Johnson offered the following amendment H—5271 filed by Doderer and Gross and moved its adoption:

H—5271

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "genders." the words "The editorial work shall be
- 4 completed in time for publication in the Code to be
- 5 issued following the 1984 legislative session."

Amendment H—5271 was adopted.

Welden of Hardin offered the following amendment H—5203, filed by Welden and Hansen of O'Brien and moved its adoption:

H—5203

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, by striking lines 8 through 13.

Roll call was requested by Pelton of Clinton and Conlon of Muscatine.

On the question "Shall amendment H—5203 be adopted?"

The ayes were, 35:

Binneboese	Byerly	Clark, B. J.	Connolly
Cook	Corey	Crabb	De Groot
Dieleman	Hall	Halvorson, R. A.	Hansen, I.
Harbor	Holt	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lind	Maulsby
McKean	Mullins	Pelton	Petrick
Ritsema	Rosenberg	Schnekloth	Schroeder
Smalley	Spear	Tofte	Tyrrell
Van Maanen	Welden	Woods	

The nays were, 62:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, J. H.
Clements	Cochran	Conlon	Connors
Daggett	Danker	Davitt	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Halvorson, R. N.	Hanson, D.
Hoffmann-Bright	Horn	Howell	Hummel
Jay	Jochum	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Mann	Norland
O'Kane	Oxley	Pavich	Pellett
Poffenberger	Poncy	Rapp	Renaud
Renken	Running	Shull	Smith
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Trucano	Walter
Welsh	Mr. Speaker (Menke)		

Absent or not voting, 2:

Anderson, R. Pope

Amendment H—5203 lost.

Doderer of Johnson offered the following amendment H—5157 filed by Doderer and Gross and moved its adoption:

H—5157

- 1 Amend House File 2346 as follows:
- 2 1. Page 1, by inserting after line 13, the following
- 3 new section:
- 4 "Sec. . This Act shall have no application to
- 5 chapters 245, 246 and 595, Code 1981."

Amendment H—5157 was adopted.

MOTION TO RECONSIDER PREVAILED
(Amendment H—5203 to House File 2346)

Welsh of Dubuque asked and received unanimous consent to reconsider the vote by which amendment H—5203, to House File 2346, failed to be adopted by the House on March 4, 1982.

Speaker Stromer in the chair at 3:02 p.m.

Welsh of Dubuque moved to reconsider amendment H—5203.

A non-record roll call was requested.

The ayes were 62, nays 30.

The motion to prevailed and the House reconsidered amendment H—5203 found on page 660 of the House Journal.

Welsh of Dubuque moved the adoption of amendment H—5203.

Amendment H—5203 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2346)

The ayes were, 86:

Anderson, J.
Bennett

Arnould
Binneboese

Avenson
Brandt

Baxter
Branstad

Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Rapp	Renaud	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Mr. Speaker		

The nays were, 11:

Crabb	Daggett	Danker	Johnson, J.
Lind	Maulsby	McKean	Renken
Ritsema	Stueland	Woods	

Absent or not voting, 2:

Anderson, R.	Pope
--------------	------

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

Ways and Means Calendar

House File 2362, a bill for an act relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes, including provision for a variable interest rate for underpayment or overpayment on estimated payments of corporate income and franchise taxes, and making the Act retroactive to January 1, 1982, effective upon publication, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2362)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 2:

Anderson, R. Pope

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

Regular Calendar

House File 2361, a bill for an act relating to the access of a spouse to the medical records of a mental health patient, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—5202.

Doderer of Johnson offered amendment H—5313 filed by her as follows:

H—5313

- 1 Amend House File 2361 as follows:
- 2 1. Page 1, by striking lines 2 through 6 and
- 3 inserting in lieu thereof the following: "the following
- 4 new unnumbered paragraph:
- 5 NEW UNNUMBERED PARAGRAPH. The chief medical officer
- 6 may release appropriate information during a consultation
- 7 with a spouse of a voluntary or involuntary patient which
- 8 the hospital or facility shall arrange if requested by a
- 9 spouse when the chief medical officer deems it to be in
- 10 the best interest of the patient and the spouse to do
- 11 so."

Johnson of Linn offered the following amendment H—5317, to amendment H—5313, filed by Johnson of Linn and Doderer from the floor and moved its adoption:

H—5317

- 1 Amend amendment H—5313 to House File 2361 as
- 2 follows:
- 3 1. By striking lines 5 through 11 and inserting in
- 4 lieu thereof the following:
- 5 "NEW UNNUMBERED PARAGRAPH. When the chief medical
- 6 officer deems it to be in the best interest of the
- 7 patient and the spouse to do so, the chief medical
- 8 officer may release appropriate information during a
- 9 consultation which the hospital or facility shall
- 10 arrange with the spouse of a voluntary or involuntary
- 11 patient, if requested by a spouse."

Amendment H—5317, to amendment H—5313, was adopted.

Doderer of Johnson moved the adoption of amendment H—5313, as amended.

Amendment H—5313, as amended, was adopted.

With the adoption of amendment H—5313, amendment H—5202 filed by Spear of Lee on February 22, 1982 was out of order.

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

On the question "Shall the bill pass?" (H.F. 2361)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 3:

Anderson, R.	O'Kane	Pope
--------------	--------	------

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

House File 2360, a bill for an act to exempt travel trailers from the regulation of mobile home parks, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H-5206 filed by him as follows:

H-5206

1 Amend House File 2360 as follows:

2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting in lieu thereof the word
4 "subsections".

5 2. Page 1, by inserting after line 14 the
6 following:

7 "NEW SUBSECTION. "Travel trailer camp" shall mean
8 any site, lot, field or tract of land upon which two
9 or more occupied travel trailers are harbored, either
10 free of charge or for revenue purposes, and shall
11 include any building, structure, tent, vehicle or
12 enclosure used or intended for use as part of the
13 equipment of such camp.

14 The term "travel trailer camp" shall not be
15 construed to include mobile homes, travel trailers,
16 buildings, tents or other structures temporarily
17 maintained by any individual, educational institution,
18 or company on their own premises and used exclusively
19 to house their own labor or students."

20 3. Page 1, by inserting after line 24 the
21 following:

22 "Sec. 3. Chapter 135D, Code 1981, is amended by
23 adding the following new section:

24 NEW SECTION. TRAVEL TRAILER CAMPS. A person shall
25 not operate a travel trailer camp in this state without
26 procuring an annual travel trailer camp license from
27 the state department of health. The fee for the
28 license shall be ten dollars and the license shall
29 expire on December 31. The department shall not issue
30 the license unless the applicant demonstrates that
31 a potable water supply, a refuse disposal facility
32 and a facility for excreta disposal are available
33 for use by the occupants of the travel trailers."

Krewson of Polk rose on a point of order that amendment
H-5206 was not germane.

The Speaker ruled the point well taken and amendment
H-5206 not germane.

Doderer of Johnson offered amendment H-5278 filed by
Doderer and Clark of Cerro Gordo as follows:

H-5278

1 Amend House File 2360 as follows:

2 1. Page 1, by inserting after line 24 the

3 following:

4 "Sec. . Section 135D.5, unnumbered paragraph
5 3, Code 1981, is amended to read as follows:

6 When the application is received by the state
7 department of health, ~~it~~ the department shall promptly
8 cause the mobile home park and appurtenances thereto
9 to be inspected. When ~~such~~ the inspection and report
10 has been made and the state department of health finds
11 that all requirements of this chapter and ~~such~~
12 conditions of health and safety as the state department
13 of health may require have been met by the appli-
14 cant, the state department of health shall ~~forthwith~~
15 issue ~~such~~ the annual primary license in the name
16 of the state. The department shall not refund the
17 fee if the department denies the license pursuant
18 to section 135D.8.

19 Sec. . Section 135D.17, Code 1981, is amended
20 to read as follows:

21 135D.17 REVOCATION AND SUSPENSION OF LICENSE.

22 Any A license granted hereunder shall be is subject
23 to revocation or suspension by a the district court
24 of proper authority and jurisdiction, and the state
25 department of health shall first serve or cause to
26 be served a written notice specifying a way or ways
27 in which ~~said~~ the licensee has failed to comply with
28 the chapter, or any special rules promulgated adopted
29 by the state department of health pertaining thereto.
30 ~~Said~~ The notice shall direct the licensee to remove
31 or abate ~~such~~ the nuisance, or unsanitary or
32 objectionable condition specified in ~~said~~ the notice
33 within five days, or within ~~such~~ a reasonable period
34 of time or extended period of time as may be reasonably
35 allowed by the complaining officer. If the licensee
36 fails to comply with the terms and conditions of ~~said~~
37 the notices, within the time specified or ~~such~~ extended
38 period or a period of time, the complaining officer
39 may require the county attorney of the county in which
40 ~~such~~ the violation occurred to start a civil action
41 to remove or abate ~~such~~ the nuisance, or unsanitary,
42 unhealthful, or objectionable condition as complained
43 of, in the court of proper authority and jurisdiction
44 of the city or county in the name of the state of
45 Iowa, and if the licensee is found guilty a decision
46 may be entered by the court to revoke or suspend ~~such~~
47 the license. The department shall not refund the
48 fee pursuant to section 135D.5 if the license is
49 revoked or suspended."

Woods of Polk rose on a point of order that amendment H—5278
was not germane.

The Speaker ruled the point well taken and amendment H—5278 not germane.

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

On the question "Shall the bill pass?" (H.F. 2360)

The ayes were, 82:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lloyd-Jones	Loneragan
Mann	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pellett
Petrick	Poffenberger	Rapp	Renken
Ritsema	Rosenberg	Schneklath	Schroeder
Shull	Smalley	Smith	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Welsh	Mr. Speaker		

The nays were, 14:

Byerly	Chiodo	Halvorson, R. N.	Lind
Maulsby	Pavich	Pelton	Poney
Renaud	Running	Spear	Swartz
Trucano	Woods		

Absent or not voting, 3:

Anderson, R.	Lageschulte	Pope
--------------	-------------	------

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

House File 2358, a bill for an act relating to the regulation of insurance companies, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5308 filed by him and moved its adoption:

H—5308

- 1 Amend House File 2358 as follows:
- 2 1. Amend the title by striking line 1 and inserting
- 3 in lieu thereof the words "An Act relating to the
- 4 regulation of insurance to the extent of amending
- 5 or repealing provisions in Code sections 515.34,
- 6 515.35, 515B.5, 521A.2 and 521A.3 to provide for the
- 7 regulation of the investments of insurance companies
- 8 other than life, to modify the maximum liability of
- 9 the Iowa insurance guaranty association, and to remove
- 10 certain provisions regulating insurance holding
- 11 companies."

Amendment H—5308 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2358)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Rapp	Renaud

Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Anderson, R. Harbor Pope

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

House File 2364, a bill for an act relating to theft of a motor vehicle and providing a penalty, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose asked and received unanimous consent to temporarily defer action on amendment H—5298.

Jay of Appanoose offered the following amendment H—5299 filed by him and moved its adoption:

H—5299

- 1 Amend House File 2364 as follows:
- 2 1. Page 1, by striking lines 1 through 14 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 714.2, subsection 2, Code
- 5 1981, as amended by Acts of the Sixty-ninth General
- 6 Assembly, 1981 Session; chapter 204, section 9, is
- 7 amended to read as follows:"
- 8 2. Page 1, by striking lines 17 and 18 and
- 9 inserting in lieu thereof the following: "value or
- 10 theft of a motor vehicle as defined in chapter 321,
- 11 irrespective of value except a motorized bicycle as
- 12 defined by section 321.1, subsection 3, paragraph
- 13 b, which motor vehicle does not exceed five thousand
- 14 dollars in value, is theft in the second degree.
- 15 Theft".

A non-record roll call was requested.

The ayes were 58, nays 32.

Amendment H—5299 was adopted.

With the adoption of amendment H—5299, amendment H—5298 filed by Jay of Appanoose on March 2, 1982 was out of order.

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

On the question "Shall the bill pass?" (H.F. 2364)

The ayes were, 93:

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

The nays were, 2:

Lind Schroeder

Absent or not voting, 4:

Byerly Davitt Pope Welden

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

House File 2365, a bill for an act relating to the testimony of a husband or wife as a witness against the other, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2365)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 2:

Clark, B. J. Pope

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

UNANIMOUS CONSENT TO VOTE

Halvorson of Clayton asked and received unanimous consent that Lonergan of Boone be recorded as voting "aye" on House File 2365.

HOUSE FILE 2367 DEFERRED

Halvorson of Clayton asked and received unanimous consent that House File 2367 be deferred and that the bill retain its place on the calendar.

House File 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2368)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano

Tyrrell
Welsh

Van Maanen
Woods

Walter
Mr. Speaker

Welden

The nays were, none.

Absent or not voting, 4:

Egenes

Mullins

Pope

Schroeder

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

HOUSE FILE 2280 WITHDRAWN

Carl of Poweshiek asked and received unanimous consent to withdraw House File 2280 from further consideration by the House.

HOUSE FILE 2202 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 2202 from further consideration by the House.

House File 2371, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2371)

The ayes were, 96:

Anderson, J.

Bennett

Bruner

Chiodo

Cochran

Cook

Danker

Diemer

Gettings

Halvorson, R. A.

Harbor

Arnould

Binneboese

Byerly

Clark, B. J.

Conlon

Corey

Davitt

Doderer

Gross

Halvorson, R. N.

Hoffmann-Bright

Avenson

Brandt

Carl

Clark, J. H.

Connolly

Crabb

De Groot

Egenes

Groth

Hansen, I.

Holt

Baxter

Branstad

Carpenter

Clements

Connors

Daggett

Dieleman

Fey

Hall

Hanson, D.

Horn

Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Anderson, R.	Pope	Swearingen
--------------	------	------------

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

House File 2374, a bill for an act relating to escape from a detention facility or institution and providing a penalty, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2374)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett

Pelton	Petrick	Poffenberger	Poncy
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 1:

Pope

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

House File 2382, a bill for an act relating to the identification of the location of wells, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2382)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Rapp	Renaud	Renken

Ritsema	Rosenberg	Running	Schnekloth
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 4:

Corey	Krewson	Schroeder	Woods
-------	---------	-----------	-------

Absent or not voting, 2:

Crabb	Pope
-------	------

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

HOUSE RULE 39 SUSPENDED

Halvorson of Webster asked and received unanimous consent to suspend House Rule 39, regarding the Daily Debate Calendar of March 4, 1982, in order to take up the bills on the Friday, March 5, 1982 Daily Debate Calendar.

HOUSE RULE 36.8 SUSPENDED

Avenson of Fayette asked and received unanimous consent to suspend House Rule 36.8, regarding the filing of amendments to the bills on the Friday, March 5, 1982 Daily Debate Calendar.

House File 2390, a bill for an act permitting merged areas to combine the positions of secretary and treasurer, with report of committee recommending passage was taken up for consideration.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.

Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Rapp	Rénaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 1:

Pope

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

House File 2391, a bill for an act to limit payment of per diem and expenses at special sessions to members of the general assembly who are in attendance and file claims, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2391)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements

Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Chiodo

Pope

Welden

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 119

Doderer of Johnson called up for consideration House Concurrent Resolution 119, relating to recognizing the week of March 7, 1982 as "Women's History Week" filed on March 1, 1982 and found on pages 572 and 573 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

MOTIONS TO RECONSIDER (House File 2218)

I move to reconsider the vote by which House File 2218 passed the House on March 4, 1982.

CLARK of Lee

(House File 2218)

I move to reconsider the vote by which House File 2218 passed the House on March 4, 1982.

TRUCANO of Polk

(House File 2360)

I move to reconsider the vote by which House File 2360 passed the House on March 4, 1982.

HORN of Linn

SPONSOR ADDED

(House Concurrent Resolution 103)

De Groot of Lyon requested to be added as a sponsor of House Concurrent Resolution 103.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4th day of March, 1982: House Files 823 and 829.

ELIZABETH A. ISAACSON

Chief Clerk of the House

Report adopted.

PROOF OF PUBLICATION

(House File 2422)

Published copy of House File 2422 and verified proof of publication of said bill in the Oskaloosa Daily Herald, a daily newspaper, printed and published in Oskaloosa, Mahaska County, Iowa, on February 26, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 4, 1982 for a short time. Had I been present, I would have voted "aye" on House File 2376.

HOWELL of Floyd

COMMUNICATION RECEIVED

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

DEPARTMENT OF HEALTH

The fourth annual report of Iowa's Certificate of Need Program, pursuant to Chapter 135.81, Code of Iowa.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 726 Ways and Means

Relating to the percentage of actual value at which a class of property is taxable and making the Act retroactive.

S.B. 727 Transportation

Relating to the removal of trees, brush and undergrowth within the highway right of way.

S.B. 728 Transportation

Relating to various requirements of the department of transportation and county officials with regard to secondary and farm to market highways.

S.B. 729 Transportation

Relating to weight restrictions of vehicles upon bridges and culverts.

S.B. 730 Transportation

Relating to ways condemned by landowners having no access to their property.

S.B. 731 Transportation

Providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

S.B. 732 Agriculture

Relating to reports by corporations and limited partnerships which own agricultural land.

S.B. 733 Agriculture

Relating to the procedures for suspension or cancellation of a grain dealer license.

S.B. 734 Education

To authorize the establishment of nonprofit foundations by the boards of area schools.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

House File 2131, a bill for an act to void the administrative rule of the department of environmental quality prohibiting the open burning of residential waste in certain cities.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly Study Bill 579, as amended), adding mental health professionals to the list of persons who are not required to disclose confidential communications in court proceedings.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2101, a bill for an act amending the schedule of controlled substances.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly House File 2048, as amended), relating to the use of chapters 663 and 663A of the Code by persons convicted of, or sentenced for, a public offense.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 691), to provide that traffic violation proceedings by the state board of regents or its institutions are not contested under the Iowa administrative procedure Act.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON TRANSPORTATION

Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license.

Fiscal Note is required.

Recommended **Do Pass**.

COMMITTEE ON WAYS AND MEANS

Senate File 400, a bill for an act providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of 1954 and providing for a January 1 effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5316**.

Committee Bill (Formerly House File 2015, as amended), to allow certain non-profit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2094, as amended), relating to the collection of taxes and mounting of registration plates on mobile homes.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5316	S.F. 400	Committee on Ways and Means
H-5318	H.F. 2384	Van Maanen of Mahaska
H-5320	H.F. 2398	Byerly of Polk
H-5321	H.F. 804	Lind of Black Hawk
H-5322	H.F. 2343	Renaud of Polk
		Swartz of Marshall
		Byerly of Polk
		Woods of Polk
		Connors of Polk
H-5324	H.F. 2363	Anderson of Audubon
		Pellett of Cass
		Cook of Hardin
H-5325	H.F. 2363	Anderson of Audubon
		Pellett of Cass
		Cook of Hardin
H-5326	H.F. 2363	Anderson of Audubon
		Pellett of Cass
		Cook of Hardin

On motion by Halvorson of Clayton, the House adjourned at 5:08 p.m., until 9:00 a.m., Friday, March 5, 1982.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day—Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 5, 1982

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

Prayer was offered by the Honorable Forrest Schwengels, State Senator from Jefferson County.

The Journal of Thursday, March 4, 1982 was approved:

PETITION FILED

The following petition was received and placed on file:

By Trucano of Polk, from seven hundred sixty-five constituents favoring amending the juvenile Code.

MOTION TO RECONSIDER WITHDRAWN (House File 2360)

Horn of Linn asked and received unanimous consent to withdraw the motion to reconsider House File 2360 filed on March 4, 1982.

MOTION TO RECONSIDER LOST (House File 2357)

Smith of Scott called up for consideration the motion to reconsider House File 2357, filed on February 24, 1982, and moved to reconsider the vote by which House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations, passed the House on February 24, 1982.

A non-record roll call was requested.

The ayes were 12, nays 74.

The motion lost, placing out of order the motions to reconsider House File 2357 filed by Schroeder of Pottawattamie and De Groot of Lyon on February 24, 1982.

The House stood at ease at 9:17 a.m.

The House resumed session at 10:28 a.m., Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2424, by committee on ways and means, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

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

House File 2425, by committee on agriculture, a bill for an act relating to the use of municipal sewage sludge as fertilizer.

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

House File 2426, by committee on human resources, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers.

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

House File 2427, by committee on judiciary and law enforcement, a bill for an act to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication.

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

House File 2428, by committee on ways and means, a bill for an act relating to the collection of taxes and mounting of registration plates on mobile homes.

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

House File 2429, by committee on judiciary and law enforcement, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

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

SENATE MESSAGES CONSIDERED

Senate File 578, by Holden, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

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

Senate File 2088, by committee on education, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

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

Senate File 2165, by committee on commerce, a bill for an act to authorize educational agencies to purchase custodial accounts for their employees.

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

Senate File 2172, by committee on commerce, a bill for an act relating to the electronic transfer of funds.

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

Senate File 2180, by committee on education, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

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

Senate File 2182, by committee on commerce, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

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

Senate File 2183, by committee on transportation, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2380, a bill for an act providing the Iowa insurance guaranty association early access to assets of an insolvent insurer, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5286 filed by him and moved its adoption:

H—5286

- 1 Amend House File 2380 as follows:
- 2 1. Page 2, by inserting after line 14, the following:
- 3 "Sec. . . Section 515B.2, subsection 5, is amended
- 4 to read as follows:
- 5 5. "Insolvent insurer" means an insurer against
- 6 which an a final order of liquidation with a finding of
- 7 insolvency has been entered on or after July 1, 1980,
- 8 by a court of competent jurisdiction of this state or
- 9 of the state of the insurer's domicile; and the order
- 10 of liquidation has not been stayed or been the subject
- 11 of a writ of supersedeas or other comparable order."
- 12 2. Title page, by striking lines 1 and 2 and
- 13 inserting in lieu thereof the following: "An Act
- 14 relating to insolvent insurers."

Amendment H—5286 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2380)

The ayes were, 93:

Anderson, J.	Avenson	Baxter	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.

Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 6:

Anderson, R.	Arnould	Harbor	Pelton
Rapp	Woods		

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

SENATE FILE 2183 SUBSTITUTED FOR HOUSE FILE 2381

Schnekloth of Scott asked and received unanimous consent to substitute Senate File 2183 for House File 2381.

Senate File 2183, a bill for an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2183)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 5:

Anderson, R.	Arnould	Rapp	Woods
Mr. Speaker			

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

House File 2384, a bill for an act to change the sheep producer's representative on the agriculture marketing board, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska offered the following amendment H-5318 filed by him and moved its adoption:

H-5318

- 1 Amend House File 2384 as follows:
- 2 1. Page 1, by inserting after line 31 the
- 3 following:

- 4 "Sec. 2. Section 173.2, subsection 10, Code 1981,
 5 is amended to read as follows:
 6 10. The president, or an accredited representative,
 7 of the Iowa sheep association council."

Amendment H—5318 was adopted.

The following amendment H—5327 filed by Van Maanen of Mahaska from the floor was adopted by unanimous consent:

H—5327

- 1 Amend House File 2384, as follows:
 2 1. Title page, by striking lines 1 and 2 and
 3 inserting in lieu thereof the following: "An Act to
 4 change references in the Code to the Iowa state sheep
 5 association to the Iowa sheep council."

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

On the question "Shall the bill pass?" (H.F. 2384)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 4:

Anderson, R.

Arnould

Rapp

Woods

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

House File 2385, a bill for an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2385)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 4:

Anderson, R.

Arnould

Rapp

Woods

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

HOUSE FILE 2386 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2386 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2175 SUBSTITUTED FOR HOUSE FILE 2392

Conlon of Muscatine asked and received unanimous consent to substitute Senate File 2175 for House File 2392.

Senate File 2175, a bill for an act revising the Iowa code of military justice including providing penalties, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2175)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland

O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 2:

Rapp

Woods

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

HOUSE FILE 2392 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 2392 from further consideration by the House.

HOUSE FILE 2381 WITHDRAWN

Harbor of Mills asked and received unanimous consent to withdraw House File 2381 from further consideration by the House.

SENATE AMENDMENTS CONSIDERED

House Concurs

Bennett of Ida called up for consideration **House File 772**, a bill for an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5300

- 1 Amend House File 772 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 21, by inserting after the period
- 4 the following: "The commission shall establish the
- 5 curriculum for the first eight hours of an approved
- 6 hunter safety and ethics education course offered
- 7 in this state. Upon completion of the eight-hour
- 8 curriculum, a certificate of completion shall be
- 9 awarded to the applicant. An examination shall not
- 10 be required for the award of the certificate."

- 11 2. Page 1, by inserting after line 31 the
 12 following:
 13 "5. An officer of the commission or a certified
 14 instructor may issue a certificate to a person who
 15 has not completed the hunter safety and ethics
 16 education course but has demonstrated to that officer
 17 or instructor a satisfactory knowledge of hunter
 18 safety and ethics."
 19 3. Page 2, lines 5 and 6 by striking the words
 20 "The license revocation is in addition to the penalty
 21 provided in section 110.42."
 22 4. By renumbering the subsections to conform with
 23 this amendment.

A non-record roll call was requested.

The ayes were 63, nays 29.

The motion prevailed and the House concurred in the Senate amendment H—5300.

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

On the question "Shall the bill pass?" (H.F. 772)

The ayes were, 83:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Pope	Renaud	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Trucano	Tyrrell
Van Maanen	Welsh	Mr. Speaker	

The nays were, 13:

Binneboese
Johnson, R.
Ritsema
Welden

Clark, J. H.
Maulsby
Spear

De Groot
Poncy
Tofte

Harbor
Renken
Walter

Absent or not voting, 3:

Doderer

Rapp

Woods

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

HOUSE REFUSES TO CONCUR

Schnekloth of Scott called up for consideration **House File 855**, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter, amended by Senate amendment H-5267 as follows:

H-5267

- 1 Amend House File 855 as passed, amended and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 3, by striking the words "propose
- 4 or adopt" and inserting in lieu thereof the words
- 5 "propose, adopt or enforce".
- 6 2. Page 1, by adding after line 17 the following:
- 7 "Sec. . 290 Iowa administrative code chapter 54,
- 8 appearing in the September 30, 1981 supplement to the
- 9 Iowa administrative code is void."

Schnekloth of Scott offered amendment H-5293, to Senate amendment H-5267, filed by him as follows:

H-5293

- 1 Amend the Senate amendment, H-5267, to House
- 2 File 855, as follows:
- 3 1. Page 1, by striking line 9 and inserting in
- 4 lieu thereof the following: "Iowa administrative Code
- 5 is void.
- 6 Sec. . This Act, being deemed of immediate
- 7 importance, takes effect from and after its
- 8 publication in the Quad City Times, a newspaper
- 9 published in Davenport, Iowa, and in The North
- 10 Scott Press, a newspaper published in Eldridge,
- 11 Iowa."

Schnekloth of Scott offered the following amendment H—5304, to amendment H—5293, (to Senate amendment H—5267), filed by him and moved its adoption:

H—5304

- 1 Amend amendment H—5293 to the Senate amendment,
- 2 H—5267, to House File 855, as follows:
- 3 1. Page 1, by striking line 11 and inserting in
- 4 lieu thereof the following: "Iowa.
- 5 2. Title page, by striking line 3, and inserting
- 6 in lieu thereof the following: "a study of the subject
- 7 matter, and to void an administrative code chapter
- 8 dealing with barge fleeting." "

Amendment H—5304, to amendment H—5293, (to Senate amendment H—5267), was adopted.

Schnekloth of Scott moved the adoption of amendment H—5293, as amended, (to Senate amendment H—5267).

Amendment H—5293, as amended, (to Senate amendment H—5267), was adopted.

Welsh of Dubuque offered the following amendment H—5329, to Senate amendment H—5267, filed by Welsh and Halvorson of Clayton from the floor and moved its adoption:

H—5329

- 1 Amend the Senate amendment, H—5267, to House
- 2 File 855, as follows:
- 3 1. Page 1, by inserting before line 6, the
- 4 following:
- 5 " Page 1, line 6, by striking the word
- 6 "twelve" and inserting in lieu thereof the word
- 7 "eight"."

Amendment H—5329, to Senate amendment H—5267, was adopted.

Pelton of Clinton offered amendment H—5330, to Senate amendment H—5267, filed by him from the floor as follows:

H—5330

- 1 Amend the Senate amendment H—5267 to House File
- 2 855 as follows:

- 3 1. Page 1, by striking lines 3 through 9 and
4 inserting in lieu thereof the following:
5 " Page 1, by striking lines 3 through 17 and
6 inserting in lieu thereof the following: "shall enforce
7 present administrative rules and propose and adopt any
8 additional appropriate rules to regulate barge traffic
9 and barge fleeting which affect the river shorelines
10 of this state." "

Schroeder of Pottawattamie rose on a point of order regarding the timely filing of amendment H-5330, to Senate amendment H-5267.

The Speaker ruled the point well taken and amendment H-5330, to Senate amendment H-5267, not in order.

Pope of Polk asked and received unanimous consent to suspend the rules to consider amendment H-5330, to Senate amendment H-5267.

Pelton of Clinton asked and received unanimous consent to withdraw amendment H-5330, to Senate amendment H-5267, filed by him from the floor.

Schnekloth of Scott moved that the House concur in the Senate amendment H-5267, as amended.

A non-record roll call was requested.

The ayes were 35, nays 59.

The motion lost and the House refused to concur in the Senate amendment H-5267, as amended.

MOTION TO RECONSIDER WITHDRAWN (House File 2356)

Shull of Warren asked and received unanimous consent to withdraw the motion to reconsider House File 2356 filed on February 22, 1982.

MOTION TO RECONSIDER (Senate amendment H-5267 to House File 855)

I move to reconsider the vote by which Senate amendment

H—5267 to House File 855 failed to be adopted by the House on March 5, 1982.

SMITH of Scott

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2120, a bill for an act relating to the amount of land owned by a merged area.

Also: That the Senate has on March 3, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 124

By Maulsby

- 1 *Whereas, employers and employees in the private*
- 2 *sector have undertaken to defer salary and wage*
- 3 *increases during the present period of business*
- 4 *and financial difficulty; and*
- 5 *Whereas, it is fitting that the public sector*
- 6 *emulate the private sector in its efforts to weather*
- 7 *the present harsh economic climate; Now Therefore,*
- 8 *Be It Resolved by the House of Representatives,*
- 9 *the Senate Concurring, That all state executive,*
- 10 *judicial and legislative departments and independent*
- 11 *and autonomous agencies are requested to institute*
- 12 *an immediate freeze on new hiring, salary increases,*
- 13 *expansion of existing programs and institution of*
- 14 *new programs, beyond those mandated by law, until*
- 15 *specific action is taken by this or a subsequent*
- 16 *General Assembly to authorize further hiring,*
- 17 *salary increases and program expansion and institution.*

Laid over under Rule 30.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 4, 1982, he approved and transmitted to the Secretary of State the following bill:

Senate File 213, an act relating to the members of the Iowa Beer and Liquor Control Council.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 25, 1982. Had I been present, I would have voted "nay" on House File 2171.

WALTER of Pottawattamie

PRESENTATION OF VISITORS

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

Thirty-five special education students from Berg Elementary School, Newton, accompanied by Toni Harrington, Cheri White, Lori Derr and Dorothy Wood. By Dieleman of Marion and Anderson of Jasper.

SUBCOMMITTEE ASSIGNMENTS**House File 2342**

Appropriations: Harbor, Chair; Mullins and Norland.

House File 2393

Appropriations: Pope, Chair; Hoffmann-Bright and Bruner.

House File 2400

Commerce: Johnson of Linn, Chair; Swearingen, Chiodo, Smith and Bruner.

House File 2401

Commerce: Schroeder, Chair; Chiodo and Johnson of Linn.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 701**

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Study Bill 714

Judiciary and Law Enforcement: Poffenberger, Chair; Arnould and Corey.

Study Bill 716

State Government: Anderson of Audubon, Chair; Trucano and Woods.

Study Bill 717

State Government: Smith, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

Study Bill 718

Judiciary and Law Enforcement: Conlon, Chair; Jay, Halvorson of Clayton, Johnson of Howard and Sturgeon.

Study Bill 719

State Government: Trucano, Chair; Lageschulte and Chiodo.

Study Bill 721

Commerce: Halvorson of Clayton, Chair; Hummel, Hoffmann-Bright, Rapp and Bruner.

Study Bill 732

Agriculture: Crabb, Chair; McKean and Davitt.

Study Bill 733

Agriculture: Tyrrell, Chair; Bennett and Sullivan.

COMMITTEE RECOMMENDATIONS

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

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 2172, as amended), requiring food service establishments that serve imported meat or meat products to list the type of meat in the products, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 2185, as amended), relating to the additional enrichment amount for a school's budget.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate File 438, a bill for an act to make employment applications confidential records and allow them to be discussed in closed session.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5328.

Committee Bill (Formerly House File 2125), relating to revising deadlines for drawing election precincts, wards, and supervisor districts.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H—5328	S.F. 438	Committee on
		State Government
H—5331	H.F. 2363	Maulsby of Calhoun
		Schnekloth of Scott
		De Groot of Lyon
		Branstad of Winnebago
		Harbor of Mills
H—5332	H.F. 2363	Maulsby of Calhoun
		Cook of Hardin
		De Groot of Lyon
		Branstad of Winnebago
H—5333	H.F. 2363	Maulsby of Calhoun

On motion by Pope of Polk, the House adjourned at 12:20 p.m., until 9:45 a.m., Monday, March 8, 1982.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day—Thirty-seventh Session Day

**Hall of the House of Representatives
Des Moines, Iowa, Monday, March 8, 1982**

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

Prayer was offered by Father Lloyd W. White, pastor of St. Rose of Lima Catholic Church, Denison.

The Journal of Friday, March 5, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ashton McCrary, Lake City.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn on request of Pope of Polk.

INTRODUCTION OF BILLS

House File 2430, by committee on human resources, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings.

Read first time and placed on the calendar.

House File 2431, by committee on state government, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 2120, by Wells, a bill for an act relating to the amount of land owned by a merged area.

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

Senate File 2203, by committee on appropriations, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

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

On motion by Pope of Polk, the House stood at ease at 10:00 a.m., until 11:45 a.m.

The House resumed session, Speaker Stromer in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1982, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 107, relating to forming a compact with all the states of the Missouri River Basin concerning diversion of water.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 469, a bill for an act relating to the audit and certification of claims for the personal property tax credit.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 505, a bill for an act to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the department of revenue.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2027, a bill for an act to provide for a special turkey hunting license for landowners and tenants of farm units and their family members.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2249, a bill for an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2345, a bill for an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2349, a bill for an act relating to the definition of adjusted gross estate.

Also: That the Senate has on March 4, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors.

K. MARIE THAYER, Secretary

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 735 Judiciary and Law Enforcement

Relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code.

S.B. 736 Natural Resources

To consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, and the authority of the department of soil conservation to carry out continuing water quality management planning, making corresponding amendments to the Code, and providing penalties for violations and an effective date.

CERTIFICATE OF RECOGNITION

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

1982-8 Bettendorf High School Wrestling Team — second consecutive State Wrestling title

ELIZABETH A. ISAACSON
Chief Clerk of the House

AMENDMENTS FILED

H-5334	H.C.R. 107	Senate Amendment
H-5335	H.F. 2386	Carpenter of Polk
		Swearingen of Keokuk
H-5336	H.F. 2420	Spear of Lee
H-5337	H.F. 2389	Poffenberger of Dallas
H-5338	H.F. 2412	Poffenberger of Dallas
H-5339	H.F. 2394	Poffenberger of Dallas
H-5340	S.F. 2180	Johnson of Howard
		Jay of Appanoose
H-5341	H.F. 2378	Poffenberger of Dallas
H-5342	H.F. 2350	Poffenberger of Dallas
H-5343	H.F. 2218	Schroeder of Pottawattamie
H-5344	H.F. 2387	Swearingen of Keokuk
H-5345	H.F. 2394	Hall of Linn
H-5347	S.F. 579	Krewson of Polk
H-5348	H.F. 2387	Pelton of Clinton
H-5349	S.F. 579	Krewson of Polk
H-5350	S.F. 2180	Krewson of Polk

On motion by Pope of Polk, the House adjourned at 11:58 a.m., until 9:00 a.m., Tuesday, March 9, 1982.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 9, 1982

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

Prayer was offered by Sister Peggy Murphy, Principal of St. Joseph's School, Marion.

The Journal of Monday, March 8, 1982 was approved.

INTRODUCTION OF BILLS

House File 2432, by committee on education, a bill for an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election.

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

House File 2433, by committee on agriculture, a bill for an act requiring food service establishments that serve imported meat or meat products to list the type of meat in the products, and providing penalties.

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

SENATE MESSAGE CONSIDERED

Senate File 2186, by committee on ways and means, a bill for an act relating to the examination and appointment of deputy assessors.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2003, a bill for an act to legalize the sale of certain property in Rolfe, Pocahontas county, Iowa.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2067, a bill for an act to change the procedures relating to failure to renew a license issued by the board of accountancy.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2147, a bill for an act changing the date for the organizational meeting of the board of directors of a merged area.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2224, a bill for an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

Also: That the Senate has on March 5, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2240, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as out-patients under chapter 229.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2348, a bill for an act to permit the board of podiatry examiners to issue a temporary certificate to practice podiatry.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2192, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2207, a bill for an act creating a commission to appoint the state appellate defender.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2208, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2209, a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2210, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Also: That the Senate has on March 5, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

Senate File 499, a bill for an act relating to the election or appointment of the board of trustees of benefited fire districts, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 499)

The ayes were, 76:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Fey	Gettings	Gross
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Mann	Maulsby
McKean	Menke	Mullins	O'Kane
Pavich	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Mr. Speaker

The nays were, none.

Absent or not voting, 23:

Avenson	Byerly	Chiodo	Clark, J. H.
Crabb	Danker	Egenes	Groth
Hall	Jay	Johnson, R.	Loneragan
Norland	Oxley	Pellett	Rapp
Running	Sturgeon	Sullivan	Walter
Welden	Welsh	Woods	

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

House File 2111, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2111)

The ayes were, 81:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Fey	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	O'Kane	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Schneklloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Mr. Speaker			

The nays were, none.

Absent or not voting, 18:

Avenson	Byerly	Chiodo	Clark, J. H.
Crabb	Danker	Egenes	Groth
Jay	Johnson, R.	Norland	Oxley
Rapp	Running	Surgeon	Welden
Welsh	Woods		

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

SENATE FILE 2155 SUBSTITUTED FOR HOUSE FILE 2383

Smith of Scott asked and received unanimous consent to substitute Senate File 2155 for House File 2383.

Senate File 2155, a bill for an act relating to the requirements for certification as an ophthalmic dispenser, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2155)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Daggett	Davitt	De Groot	Dieleman
Diemer	Fey	Gettings	Gross
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Rosenberg	Running
Schneklath	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, 6:

Doderer	Knapp	Lind	Pelton
Ritsema	Schroeder		

Absent or not voting, 11:

Avenson	Byerly	Clark, J. H.	Crabb
Danker	Egenes	Groth	Johnson, R.
Norland	Rapp	Welsh	

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

House File 2386, a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk offered the following amendment H—5335 filed by Carpenter and Swearingen and moved its adoption:

H—5335

- 1 Amend House File 2386 as follows:
- 2 1. Page 1, line 6, by striking the words "administrative
- 3 agency" and inserting in lieu thereof the words
- 4 "administrative entity".
- 5 2. Page 1, line 9, by striking the word "agency"
- 6 and inserting in lieu thereof the word "entity".
- 7 3. Page 1, line 10, by striking the word "agency"
- 8 and inserting in lieu thereof the word "entity".
- 9 4. Page 1, line 16, by striking the word "agency"
- 10 and inserting in lieu thereof the word "entity".

Amendment H—5335 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2386)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poney	Pope

Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Avenson	Byerly	Clark, J. H.	Danker
Johnson, R.	Rapp	Welsh	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Harbor of Mills.

House File 2407, a bill for an act related to the uniform limited partnership act, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2407)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.

Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 6:

Avenson	Clark, J. H.	Danker	Johnson, R.
Rapp	Welsh		

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

HOUSE FILE 2419 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2419 be deferred and that the bill retain its place on the calendar.

House File 2387, a bill for an act relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5309 filed by him as follows:

H—5309

- 1 Amend House File 2387 as follows:
- 2 1. Page 4, by inserting after line 9 the following:
- 3 "Sec. . Section 330A.15, Code 1981, is amended
- 4 to read as follows:
- 5 330A.15 TAX FOR PURPOSES OF AN AUTHORITY. The
- 6 governing body of a municipality after joining an
- 7 authority and after determination by the authority

8 pursuant to planning studies may by ordinance after
9 an election provide for the assessment of an annual
10 levy not to exceed twenty-seven cents per one thousand
11 dollars of assessed value upon all the taxable property
12 in such the municipality for a period not to exceed
13 forty years as shall be agreed by the member
14 municipalities or for such longer time as any revenue
15 bonds of an the authority shall be are outstanding
16 or until such the municipality withdraws from the
17 authority, whichever is sooner. A county which is
18 a member municipality may levy such the tax only upon
19 the property in the unincorporated area of such the
20 county. Such The tax may be levied in excess of any
21 tax limitation imposed by statute. Such An ordinance
22 enacted after the effective date of this Act shall
23 be enacted only after publication of notice and hearing
24 in the manner prescribed in section 330A.6, an election
25 in which the question has been submitted to the voters
26 of the city or county, as applicable, in the same
27 manner as if it were a question on the issuance of
28 general corporate purpose or general county purpose
29 bonds under section 384.26, subsections 2 through
30 4, or 331.442, subsections 2 through 4, as applicable,
31 except that the question shall be in substantially
32 the following form:

33 "Shall the city (or county) of _____,
34 _____ (name)
35 state of Iowa, be authorized to levy a tax for the
36 purpose of the airport authority of which the city
37 (or county) is a member, at a rate of _____ for a
38 _____ (rate)
39 period of _____ years, the tax to be used for
40 _____ (term)
41 the following purposes: (here list in general terms
42 the purposes for which the tax will be used, including
43 any proportionate part of the levy rate which will
44 be used for the payment of the principal, interest,
45 and redemption premium, if any, on bonds of the
46 authority?)"

47 PARAGRAPH DIVIDED. Upon such enactment of an
48 ordinance, a copy thereof shall be certified to the
49 authority. An authority shall have the power to may
50 enforce the collection of such the levy by mandamus

Page 2

1 or other appropriate remedy and such the levy shall
2 be collected in the manner other taxes are collected
3 and allocated and paid to the authority for the
4 exclusive and proper use of the authority, including
5 but not limited to the purchase of land, and the

6 acquiring, establishing, constructing, enlarging,
7 operating, and maintaining of aviation facilities.
8 In addition to the purposes listed above, moneys in
9 said the fund may be pledged to the payment of the
10 principal, interest, and redemption premium, if any,
11 on bonds of the authority. However, the tax moneys
12 shall be used substantially as provided in the election
13 which authorized their levy. Money paid to the
14 authority pursuant to this section shall be deposited
15 by the authority in a special trust fund to be called
16 the "..... Authority Capital Reserve Fund".
17 Member municipalities may, in addition, deposit money
18 from current operating funds in the capital reserve
19 fund pursuant to agreement for the purpose of providing
20 initial funds to the authority to be used for funding
21 studies, plans, and other expenses of an authority
22 pending receipt of funds from the annual levy herein
23 authorized. Any such money so deposited shall be
24 considered a gift and is not repayable."
25 2. Renumber sections and correct internal
26 references as needed.

Pelton of Clinton rose on a point of order that amendment
H-5309 was not germane.

The Speaker ruled the point well taken and amendment
H-5309 not germane.

Swearingen of Keokuk offered the following amendment
H-5344 filed by him and moved its adoption:

H-5344

- 1 Amend House File 2387 as follows:
- 2 1. By striking page 13, line 34, through page
- 3 14, line 15.

Amendment H-5344 was adopted.

Pelton of Clinton offered the following amendment H-5348
filed by him and moved its adoption:

H-5348

- 1 Amend House File 2387 as follows:
- 2 1. Page 14, by inserting after line 28 the
- 3 following:
- 4 "Sec. . Section 331.322, subsection 5, Code

- 5 1981 Supplement, is amended to read as follows:
 6 5. Furnish offices within the county for the
 7 sheriff, and at the county seat for the clerk,
 8 recorder, treasurer, auditor, county attorney, county
 9 surveyor or engineer, county assessor, and city
 10 assessor. If the office of public defender is
 11 established, the board shall furnish the public
 12 defender's office as provided in section 331.776.
 13 The board shall furnish the officers with fuel, lights
 14 and office supplies. However, the board is not
 15 required to furnish the county attorney or public
 16 defender with law books. The board shall not furnish
 17 an office also occupied by a practicing attorney to
 18 any officer other than the county attorney or public
 19 defender."
 20 2. Renumber as necessary.

Amendment H—5348 was adopted.

Schroeder of Pottawattamie asked for unanimous consent to reconsider amendment H—5309 found on pages 715 through 717 of the House Journal.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 2387)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley

Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken-	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 6:

Avenson	Clark, J. H.	Danker	Halvorson, R. N.
Johnson, R.	Lind		

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

House File 2422, a bill for an act to legalize the proceedings of the Oskaloosa community school district relating to a sale of land, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2422)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay
Jochum	Johnson, W.	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich

Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Avenson	Clark, J. H.	Danker	Howell
Johnson, J.	Johnson, R.	Knapp	

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

House File 2420, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5336 filed by him and moved its adoption:

H—5336

- 1 Amend House File 2420 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "grades" the following: "except as otherwise provided
- 4 in sections 280.15 and 257.28".

Amendment H—5336 was adopted.

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

On the question "Shall the bill pass?" (H. F. 2420)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter

Chiodo	Clark, B. J.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 3:

Clements	McKean	Van Maanen
----------	--------	------------

Absent or not voting, 5:

Avenson	Clark, J. H.	Danker	Johnson, R.
Poffenberger			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Linn, for a portion of the morning, on request of Tyrrell of Iowa.

House File 2418, a bill for an act to provide that traffic violation proceedings by the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed on its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 81, Smalley of Polk refrained from voting.

On the question "Shall the bill pass?" (H.F. 2418)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Brañstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Shull	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, 5:

Knapp	O'Kane	Schroeder	Sturgeon
Welsh			

Absent or not voting, 5:

Avenson	Clark, J. H.	Danker	Johnson, R.
Smalley			

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

HOUSE FILE 2130 WITHDRAWN

Hansen of O'Brien asked and received unanimous consent to withdraw House File 2130 from further consideration by the House.

House File 2416, a bill for an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2416)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
Menke	Mullins	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 7:

Brandt	Doderer	Johnson, J.	Knapp
McKean	Pelton	Ritsema	

Absent or not voting, 5:

Avenson
Norland

Clark, J. H.

Danker

Johnson, R.

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

HOUSE FILE 2126 WITHDRAWN

Van Maanen of Mahaska asked and received unanimous consent to withdraw House File 2126 from further consideration by the House.

House File 2410, a bill for an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2410)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connors	Cook	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp

Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 5:

Doderer	Hummel	Johnson, W.	McKean
Pelton			

Absent or not voting, 6:

Avenson	Clark, J. H.	Connolly	Danker
Johnson, R.	Welden		

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

House File 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2405)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane

Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were 5:

Doderer	Johnson, J.	Krewson	Poney
Walter			

Absent or not voting, 3:

Avenson	Danker	Smalley
---------	--------	---------

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

House File 2409, a bill for an act relating to fire safety, and providing penalties, with report of committee recommending passage was taken up for consideration.

HOUSE FILE 2409 DEFERRED

Connors of Polk asked and received unanimous consent that House File 2409 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2180 SUBSTITUTED FOR HOUSE FILE 2408

Ritsema of Sioux asked and received unanimous consent to substitute Senate File 2180 for House File 2408.

Senate File 2180, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans, was taken up for consideration.

Krewson of Polk offered the following amendment H—5350 filed by him and moved its adoption:

H—5350

- 1 Amend Senate File 2180, as passed by the Senate,
- 2 as follows:

- 3 1. Page 3, by inserting after line 9 the following:
4 "Sec. . Section 421.17, Code 1981, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION.** To enter into reciprocal agreements
7 with the departments of revenue of other states that
8 have enacted legislation, that is substantially
9 equivalent to the setoff procedure in section 2 of
10 this Act. A reciprocal agreement shall also be
11 approved by the college aid commission. The agreement
12 shall authorize the department to provide by rule
13 for the setoff of state income tax refunds or rebates
14 of defaulters from states with which Iowa has a
15 reciprocal agreement and to provide for sending lists
16 of names of Iowa defaulters to the states with which
17 Iowa has a reciprocal agreement for setoff of that
18 state's income tax refunds."

Amendment H—5350 was adopted.

Johnson of Howard offered the following amendment H—5340
filed by Johnson of Howard and Jay and moved its adoption:

H—5340

- 1 Amend Senate File 2180 as follows:
2 1. Page 3, by striking lines 12 through 17 and
3 inserting in lieu thereof the following:
4 "**NEW SUBSECTION.** To provide that in the case of
5 multiple claims to refunds or rebates filed by the
6 child support recovery unit under subsection 21 and
7 the college aid commission under section 2 of this
8 Act, that priority shall be given to claims filed
9 by the child support recovery unit under subsection
10 21."

Amendment H—5340 was adopted.

The following amendment H—5356 filed by Ritsema of Sioux
from the floor was adopted by unanimous consent:

H—5356

- 1 Amend Senate File 2180, as follows:
2 1. Title page, by striking lines 1 and 2 and
3 inserting in lieu thereof the following: "An Act
4 relating to setoffs against state income tax refunds,
5 including claims based on defaults on guaranteed
6 student loans and child support recovery claims, and
7 authorizing reciprocal agreements with other states
8 dealing with the subject matter."

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. 2180)

The ayes were, 96:

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

The nays were, 1:

Groth

Absent or not voting, 2:

Danker

Welden

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

HOUSE FILE 2408 WITHDRAWN

Daggett of Taylor asked and received unanimous consent to withdraw House File 2408 from further consideration by the House.

House File 2173, a bill for an act relating to the projects for which industrial revenue bonds may be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2173)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
McKean	Mullins	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Hummel Maulsby

Absent or not voting, 4:

Connors Danker Menke Norland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2413, a bill for an act relating to the expungement of records of certain misdemeanors, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment H—5354.

Objection was raised.

Schroeder of Pottawattamie asked for unanimous consent to temporarily defer action on House File 2413.

Objection was raised.

Schroeder of Pottawattamie moved that the House defer action on House File 2413.

A non-record roll call was requested.

The ayes were 78, nays 17.

The motion prevailed and the House deferred action on House File 2413.

House File 2411, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year, with report of committee recommending passage was taken up for consideration.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2411)

The ayes were, 94:

Anderson, J.

Baxter

Branstad

Anderson, R.

Bennett

Bruner

Arnould

Binneboese

Byerly

Avenson

Brandt

Carl

Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Clements Mann

Absent or not noting, 3:

Corey Danker Poffenberger

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED (Senate File 490)

Smalley of Polk called up for consideration the motion to reconsider Senate File 490, filed on February 17, 1982, and moved to reconsider the vote by which Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury, passed the House on February 16, 1982.

A non-record roll call was requested.

The ayes were 94, nays none.

The motion prevailed and the House reconsidered **Senate File 490**, a bill for an act to allow tort claim actions against the state to be tried before a jury.

Smalley of Polk offered the following amendment H—5182 filed by him and moved its adoption:

H—5182

- 1 Amend Senate File 490, as follows:
- 2 1. Page 1, by inserting after line 11, the
- 3 following:
- 4 "Sec. 2. This Act applies to claims accruing
- 5 on or after the effective date of this Act."

Amendment H—5182 was adopted.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 490)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 1:

Tyrrell

Absent or not voting, 1:

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 487)

Byerly of Polk called up for consideration the motion to reconsider Senate File 487, filed on February 5, 1982, and moved to reconsider the vote by which Senate File 487, a bill for an act allowing the operation of golf carts on the streets of cities, passed the House on February 5, 1982.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 45, nays 52.

The motion lost, placing out of order the motion to reconsider Senate File 487 filed by Woods of Polk on February 5, 1982.

SENATE AMENDMENT CONSIDERED.
House Concurs

Johnson of Woodbury called up for consideration **House Concurrent Resolution 107** filed by Johnson of Woodbury and Crabb on January 26, 1982 and found on page 167 of the House Journal, amended by the Senate, and moved that the House concur in the Senate amendment as follows:

H-5334

- 1 Amend House Concurrent Resolution 107 as passed
- 2 by the House as follows:
- 3 1. Page 2, lines 3 and 4, by striking the words
- 4 "through the Missouri river coordinator".

The motion prevailed and the House concurred in Senate amendment H-5344.

Johnson of Woodbury moved the adoption of House Concurrent Resolution 107, as amended.

House Concurrent Resolution 107, as amended, was adopted.

Lind of Black Hawk in the chair at 11:59 a.m.

MOTIONS TO RECONSIDER
(House File 2386)

I move to reconsider the vote by which House File 2386 passed the House on March 9, 1982.

CARPENTER of Polk

(House File 2386)

I move to reconsider the vote by which House File 2386 passed the House on March 9, 1982.

O'KANE of Woodbury

(House File 2386)

I move to reconsider the vote by which House File 2386 passed the House on March 9, 1982.

HANSEN of O'Brien

(House File 2387)

I move to reconsider the vote by which House File 2387 passed the House on March 9, 1982.

SCHROEDER of Pottawattamie

HOUSE CONCURRENT RESOLUTION 125
By Committee on Judiciary and Law Enforcement

- 1 *Whereas*, Iowa has historically been among the
- 2 states which recognize contributory negligence as
- 3 a defense in tort action; and
- 4 *Whereas*, the defense of contributory negligence
- 5 has been in existence in Iowa for many years; and
- 6 *Whereas*, other states are repealing laws which
- 7 provide for the defense of contributory negligence
- 8 and they are replacing such defense with the doctrine
- 9 of comparative negligence; and
- 10 *Whereas*, the Supreme Court has upheld the defense
- 11 of contributory negligence but by decreasing margins
- 12 and has nevertheless been critical of the general
- 13 assembly for not studying the issue of contributory

14 versus comparative negligence and making recommenda-
15 tions; and

16 *Whereas*, tort law is complex in its variations and
17 the matter of comparative negligence as opposed to
18 contributory negligence has many ramifications in tort
19 law that should be carefully considered; *Now*
20 *Therefore*,

21 *Be It Resolved by the House of Representatives, the*
22 *Senate Concurring*, That the legislative council is
23 urged to establish a joint subcommittee of the commit-
24 tees on judiciary to study the matter of comparative
25 negligence and contributory negligence as they apply
26 to the broad spectrum of tort law in Iowa, during the
27 interim; and

28 *Be It Further Resolved*, That the members of the joint
29 subcommittee shall consist of members of both houses
30 representing both political parties and the subcommittee

Page 2

1 may call upon experts in the field of tort liability
2 as well as other knowledgeable persons to assist it
3 in its study and shall submit a final report to the
4 legislative council and members of the general assembly,
5 which report shall contain bill drafts designed to
6 carry out the recommendations of the subcommittee.

Laid over under Rule 30.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday, March 9, 1982, for a short period of time. Had I been present, I would have voted "aye" on House File 2420.

POFFENBERGER of Dallas

I was necessarily absent from the House chamber on Tuesday, March 9, 1982. Had I been present, I would have voted "aye" on House Files 2111, 2386, 2387, 2407, 2410, 2416, 2418, 2420 and 2422 and Senate Files 499 and 2155.

JOHNSON of Linn

I was necessarily absent from the House chamber on March 9, 1982. Had I been present, I would have voted "aye" on House File 2111 and Senate File 499.

JAY of Appanoose

I was necessarily absent from the House chamber at the time of the final passage of House File 2422. Had I been present, I would have voted "aye."

HOWELL of Floyd

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of March, 1982: House Files 2341 and 2347.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

Mullins of Kossuth presented to the House, the Honorable Karl Kiilsholm, former member of the House, representing Kossuth County.

Hansen of O'Brien presented to the House, the Honorable C. Raymond Fisher, former member of the House, representing Greene County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven fifth grade students from Western Hills Elementary, West Des Moines. By Carpenter of Polk.

Forty-five eighth grade students from Pella Christian School, Pella, accompanied by Dan Jonker. By Dieleman of Marion.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 8, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 823, an act relating to the requirements for giving a notice to cure in a consumer credit transaction.

House File 829, an act relating to the investigations, communications and reports of the Citizens' Aide Office.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 737 County Government

Relating to membership in and the payment of membership dues to the Iowa state association of counties or any other county officer organization.

S.B. 738 Commerce

Relating to the establishment of a loan loss reserve program for bank loans to labor-intensive small businesses.

S.B. 739 Transportation

Allowing cities to enforce ordinances requiring alternate side parking during periods of snow removal.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

House File 2401, a bill for an act regulating the activities of loan brokers and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5361.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2309, as amended), to assure the continuation of human service programs delivered by community action agencies.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House Concurrent Resolution, a concurrent resolution relating to establishing a joint subcommittee of the committees on judiciary to study the matter of comparative negligence and contributory negligence as they apply to the broad spectrum of tort law in Iowa, during the interim.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly House File 2), relating to shooting ranges.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly House File 2210), to increase the jurisdictional amount of small claims court to two thousand five hundred dollars.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 505, as amended), relating to custody of children upon dissolution of marriage.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 656, as amended), to provide a two-year statute of limitations for actions founded upon a violation of rights protected by the United States Constitution, Iowa Constitution, federal statute or state statute.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 676, as amended), providing for cost-of-living adjustments in child support judgements of the district court, including judgements entered prior to the effective date of this Act.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 714), to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property..

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON NATURAL RESOURCES

Senate File 452, a bill for an act relating to private fish hatcheries.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 736, as amended), to consolidate the regulation and management of water resources by creating the Iowa water council.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly Study Bill 731), providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H-5351	H.F. 2240	Senate Amendment
H-5353	H.F. 2409	Krewson of Polk
H-5354	H.F. 2413	Schroeder of Pottawattamie
H-5355	H.F. 2409	Connors of Polk
		Davitt of Warren
		Krewson of Polk
H-5357	H.F. 2413	Schroeder of Pottawattamie
H-5358	H.F. 2426	Poffenberger of Dallas
H-5359	S.F. 558	Smalley of Polk
H-5360	H.F. 2343	Johnson of Linn
H-5361	H.F. 2401	Committee on Commerce
H-5362	H.F. 2393	Clements of Scott
H-5363	H.F. 2389	Johnson of Linn
H-5364	H.F. 2394	Hoffmann-Bright of
		Muscatine
H-5365	H.F. 2350	Egenes of Story
		Smalley of Polk
		Diemer of Black Hawk
H-5366	H.F. 2402	Spear of Lee

On motion by Pope of Polk, the House adjourned at 12:10 p.m., until 9:00 a.m., Wednesday, March 10, 1982.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day—Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 10, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend David Beckerdite, pastor of the United Congregational Church, Sloan.

The Journal of Tuesday, March 9, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. E. Douglas, Belle Plaine.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Spear of Lee; Byerly of Polk on request of Woods of Polk; Pavich of Pottawattamie, for the morning session, on request of Gettings of Wapello.

SENATE MESSAGES CONSIDERED

Senate File 2192, by committee on judiciary, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2201, by committee on transportation, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

Read first time and referred to committee on **transportation**.

Senate File 2207, by committee on state government, a bill for an act creating a commission to appoint the state appellate defender.

Read first time and referred to committee on **state government**.

Senate File 2208, by committee on commerce, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposits laws to the funds of electric power agencies.

Read first time and referred to committee on **commerce**.

Senate File 2209, by committee on judiciary, a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2210, by committee on labor and industrial relations, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty.

Read first time and referred to committee on **labor and industrial relations**.

Senate File 2212, by committee on commerce, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Read first time and referred to committee on **commerce**.

Senate File 2213, by committee on county government, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Read first time and referred to committee on **county government**.

Senate File 2215, by committee on state government, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

Read first time and referred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2377, a bill for an act creating the Iowa higher education loan authority, providing for the authority to issue revenue bonds and defining its powers and duties.

Also: That the Senate has on March 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2194, a bill for an act restricting the burning of vegetation within rights-of-way of public roads and other public land and to provide a penalty for violations.

Also: That the Senate has on March 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2197, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

Also: That the Senate has on March 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

Also: That the Senate has on March 8, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

K. MARIE THAYER, Secretary

HOUSE FILE 2383 WITHDRAWN

Swearingen of Keokuk asked and received unanimous consent to withdraw House File 2383 from further consideration by the House.

HOUSE FILE 2419 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2419 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered the following amendment H—5314 filed by him and moved its adoption:

H—5314

- 1 Amend Senate File 2134, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting before line 1 the following
- 4 new section:
- 5 "Section 1. Section 321.1, subsection 71, Code
- 6 1981, as amended by Acts of the Sixty-ninth General
- 7 Assembly, Second Extraordinary 1981 Session, chapter
- 8 2, section 5, is amended to read as follows:
- 9 71. A "special truck" means a motor truck not
- 10 used for hire with a gross weight registration of
- 11 eight through twenty tons used by a person engaged
- 12 in farming to transport commodities produced only
- 13 by the owner, or to transport commodities purchased
- 14 by the owner for use in the owner's own farming
- 15 operation or occasional use for charitable purposes.
- 16 "Special truck" also means a truck tractor which is
- 17 modified by removal of a fifth wheel and carries the
- 18 full load on the motor truck and which by reason of
- 19 its conversion becomes a motor truck."
- 20 2. Amend the title, line 10, by inserting after
- 21 the word "axle" the words "and defining special truck".

Amendment H—5314 was adopted.

Danker of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2134)

The ayes were, 84:

Anderson, J.	Arnould	Baxter	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
Menke	Mullins	Norland	O'Kane
Oxley	Pellett	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Schneklath	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, 7:

Connors	Hall	Knapp	Krewson
McKean	Pelton	Running	

Absent or not voting, 8:

Anderson, R.	Avenson	Byerly	Doderer
Pavich	Rapp	Smalley	Walter

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2388, a bill for an act repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the state educational radio or television facility board for television production, television transmission, or closed circuit television transmission, with report of committee recommending passage was taken up for consideration.

Johnson of Howard moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2388)

The ayes were, 75:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Daggett	Davitt	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hoffmann-Bright	Horn	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Rosenberg
Running	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, 15:

Clements	Danker	De Groot	Hanson, D.
Harbor	Hummel	Mann	Maulsby
Pellett	Pelton	Ritsema	Schnekloth
Schroeder	Tofte	Welden	

Absent or not voting, 9:

Anderson, R.	Byerly	Crabb	Doderer
Holt	Pavich	Rapp	Smalley
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2409**, a bill for an act relating to fire safety, and providing penalties.

Connors of Polk offered the following amendment H—5355 filed by Connors, Davitt and Krewson and moved its adoption:

H-5355

- 1 Amend House File 2409 as follows:
- 2 1. Page 3, line 26, by striking the words ~~shall~~
- 3 ~~initially and may~~" and inserting in lieu thereof the
- 4 following: "or a designated subordinate shall
- 5 ~~initially and may~~".

Amendment H-5355 was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H-5353 filed by him on March 9, 1982.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2409)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Rosenberg	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Ritsema

Absent or not voting, 8;

Byerly
Running

Crabb
Smalley

Krewson
Sturgeon

Pavich
Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2413**, a bill for an act relating to the expungement of records of certain misdemeanors.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5354 filed by him on March 9, 1982.

Schroeder of Pottawattamie offered the following amendment H—5357 filed by him and requested division as follows:

H—5357

- 1 Amend House File 2413, as follows:

H—5357A

- 2 1. Page 1, by striking lines 21 and 22.

H—5357B

- 3 2. Page 1, by striking lines 30 through 33 and
- 4 inserting in lieu thereof the following: "expungement."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5357A.

On motion by Pope of Polk, the House was recessed at 9:50 a.m., until 2:30 p.m.

(House File 2413 and amendment H—5357B pending at recess.)

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE CONCURRENT RESOLUTION 126

By Committee on State Government

1 *Whereas*, the retirement benefits for persons employed
2 as peace officers in this state are not uniform and the
3 years of service required for full benefits vary from
4 twenty-two to thirty years and retirement age varies
5 from fifty-five to sixty-five years of age; and

6 *Whereas*, the Iowa public employees' retirement system
7 (IPERS) is such a complex retirement system that there
8 is not sufficient time during a legislative interim to
9 study both IPERS and the other public retirement systems
10 in this state; and

11 *Whereas*, there is a need to study the benefits and
12 funding of public retirement systems in chapter 97A
13 of the Code (Peace Officers' Retirement System), chapter
14 411 of the Code (local police and fire retirement systems),
15 and only those portions of the IPERS law providing special
16 retirement provisions for certain peace officers; *Now*
17 *Therefore*,

18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring*, That the Legislative Council is urged
20 to establish a joint subcommittee composed of members of
21 both political parties of the House and Senate Committees
22 on State Government to conduct a study of the funding and
23 benefit levels of the public retirement systems established
24 in chapters 97A and 411 and only those portions of chapter
25 97B relating to peace officers; and

26 *Be It Further Resolved*, That the joint subcommittee
27 shall make a report of its recommendations, accompanied
28 by legislative bill drafts to implement the recommendations,
29 to the Legislative Council and to the General Assembly meeting
30 in 1983.

Laid over under Rule 30.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Stromer invited the House Pages to the front of the rostrum for a special presentation. The Speaker thanked all of them for their service and dedication to the House of Representatives and presented to the following a Certificate of Excellence for serving with honor and distinction as a House Page during the Second Regular Session:

Kerri Armstrong
Dave Bohlke
Sydney Burgess
Carol Callanan
Mary Lynn Coffman
Cassandra Lee Cole
Paula Cramer
Tam Feters

Paul Jennerjohn
Susan D. Leider
Laura Lucy
Connie Martin
Margaret Peterson
Kathy Schuler
Greg Watson
Dave Wheeler
Anne E. Woolson

The House rose and expressed its appreciation.

CONSIDERATION OF BILLS Regular Calendar

HOUSE FILES 2413 and 2415 DEFERRED

Pope of Polk asked and received unanimous consent that House Files 2413 and 2415 be deferred and that the bills retain their place on the calendar.

HOUSE FILES 76, 664 AND 2060 WITHDRAWN

Harbor of Mills asked and received unanimous consent to withdraw House Files 76, 664 and 2060 from further consideration by the House.

SENATE FILE 2167 SUBSTITUTED FOR HOUSE FILE 2417

Stueland of Clinton asked and received unanimous consent to substitute Senate File 2167 for House File 2417.

Senate File 2167, a bill for an act to update references to the federal Water Pollution Control Act in chapter 455B, was taken up for consideration.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2167)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lind	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Mullins	Norland
O'Kane	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Hummel Maulsby

Absent or not voting, 8:

Baxter	Byerly	Connolly	Halvorson, R. A.
Jochum	Lageschulte	Oxley	Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2417 WITHDRAWN

Stueland of Clinton asked and received unanimous consent to withdraw House File 2417 from further consideration by the House.

House File 2394, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand, with report of committee recommending passage was taken up for consideration.

Hall of Linn offered the following amendment H—5345 filed by him and requested division as follows:

H—5345

- 1 Amend House File 2394 as follows:

H—5345A

- 2 1. Page 1, by striking lines 3 through 8 and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. In the case of replacement of
5 curbing and gutters, the council may, by resolution,
6 provide for the".

H—5345B

- 7 2. Page 1, line 12, by inserting after the period
8 the following: "This subsection shall not be appli-
9 cable to public improvements where the estimated costs
10 exceed ten thousand dollars."

H—5345A

- 11 3. Amend the title, lines 2 and 3, by striking
12 the words "with a population of less than ten thousand".

Hall of Linn moved the adoption of amendment H—5345A.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 47, nays 47.

Amendment H—5345A lost.

Hall of Linn moved the adoption of amendment H—5345B.

A non-record roll call was requested.

The ayes were 43, nays 49.

Amendment H—5345B lost.

HOUSE FILE 2394 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2394 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 3:17 p.m., until the fall of the gavel.

The House resumed session at 5:05 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 March 3, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2336, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

K. MARIE THAYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 9, 1982. Had I been present, I would have voted "aye" on House File 2410.

CONNOLLY of Dubuque

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

DEPARTMENT OF HEALTH

The Preliminary 1982-87 State Health Plan for Iowa, prepared by the Iowa State Department of Health, in accordance with the mandate of the National Health Planning Act and regarding a public hearing to be held April 19, 1982 at the Lucas State Office Building at 10:00 a.m., third floor conference room.

PRESENTATION OF VISITORS

Jochum of Dubuque presented to the House, Foreign Exchange Student, Jerome Borgeat from Sion, Switzerland who is staying with the Ronald Schmitt family of Balltown, Iowa.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven fifth grade students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mrs. Walters. By Carpenter of Polk.

Thirty-eight students from Iowa Wesleyan College, Mt. Pleasant, Iowa, accompanied by Mr. and Mrs. Richard Garrels and Mrs. Voss. By Corey of Louisa.

Forty high school students from Leo High School, Holy Cross, Iowa, accompanied by Sister Felicia. By Hanson of Delaware.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 740 Judiciary and Law Enforcement

To require that certain documents be kept confidential prior to a criminal trial.

S.B. 741 Human Resources

Relating to the refund of fees when a mobile home park license is denied, revoked, or suspended.

S.B. 742 County Government

Relating to the regulation of standing or parking by county ordinance.

S.B. 743 Education

Relating to cities and counties issuing revenue bonds for the purpose of providing education loans.

S.B. 744 Judiciary and Law Enforcement

Relating to the cost of legalizing bills.

S.B. 745 Judiciary and Law Enforcement

Relating to animal exhibitions and fights and providing penalties.

S.B. 746 Ways and Means

To provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly Study Bill 732, as amended), relating to reports by corporations and limited partnerships which own agricultural land.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 733, as amended), relating to the procedures for suspension or cancellation of a grain dealer license.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COUNTY GOVERNMENT

Committee Bill (Formerly House File 2166), relating to the jurisdiction of county conservation employees who are peace officers.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 697), relating to the disposition of fines and forfeited bail for violations of county ordinances.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Study Bill 701, to provide exemptions from school course requirements upon parental consent.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

Committee Bill (Formerly Study Bill 715, as amended), to allow school districts to levy a property tax for increased costs for the school year beginning July 1, 1981 for heat and lighting over these costs for July 1, 1980 and to provide that the Act takes effect upon its publication.

Fiscal Note is required.

Recommended **Do Pass.**

COMMITTEE ON ENERGY

Senate File 393, a bill for an act relating to redemption and disposition of empty beverage containers and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5370.**

COMMITTEE ON STATE GOVERNMENT

House Concurrent Resolution, a concurrent resolution relating to a study of the funding and benefit levels of the Public Retirement System.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 512), relating to removing the exemption for auctioneers from the license requirement for real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Do Pass.**

Committee Bill (Formerly Study Bill 719, as amended), relating to audits of licensed substance abuse programs conducted by the auditor of state.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H-5367	H.F. 2394	Poffenberger of Dallas
H-5368	H.F. 2336	Senate Amendment
H-5369	H.F. 2431	Swearingen of Keokuk
H-5370	S.F. 393	Committee on Energy
H-5371	H.F. 2413	Doderer of Johnson
		Conlon of Muscatine
		Corey of Louisa
		Smalley of Polk
H-5372	H.F. 2426	Spear of Lee
H-5373	H.F. 2389	Fey of Scott
		Rapp of Black Hawk
		Arnould of Scott
H-5374	H.F. 2389	Sturgeon of Woodbury
H-5375	H.F. 2401	Schroeder of Pottawattamie
H-5376	H.F. 2363	Norland of Worth
		Davitt of Warren
		Cochran of Webster
H-5377	S.F. 537	Spear of Lee
H-5378	H.F. 2389	Rosenberg of Story
H-5379	H.F. 2389	Rosenberg of Story
H-5380	H.F. 2389	Rosenberg of Story
H-5381	H.F. 2402	Welsh of Dubuque
H-5382	H.F. 2402	Lageschulte of Bremer
		Harbor of Mills
		Mullins of Kossuth
H-5383	H.F. 2378	Anderson of Audubon
		Pellett of Cass
		Davitt of Warren
		Mullins of Kossuth
		Swartz of Marshall
		Cook of Hardin
H-5384	H.F. 2402	Welsh of Dubuque

On motion by Pope of Polk, the House adjourned at 5:07 p.m., until 9:00 a.m., Thursday, March 11, 1982.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 11, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Gary Burnett, pastor of the First Presbyterian Church, Mt. Vernon.

The Journal of Wednesday, March 10, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lloyd Thurston, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie, for March 11 and 12, 1982, on request of Pavich of Pottawattamie; Harbor of Mills, for a portion of the day, on request of Pope of Polk.

INTRODUCTION OF BILLS

House File 2434, by committee on judiciary and law enforcement, a bill for an act to increase the jurisdictional amount of small claims court to two thousand five hundred dollars.

Read first time and placed on the calendar.

House File 2435, by committee on judiciary and law enforcement, a bill for an act relating to shooting ranges.

Read first time and placed on the calendar.

House File 2436, by committee on judiciary and law enforcement, a bill for an act to provide a four-year statute of limitations for actions founded upon a violation of rights protected by the Constitution of the United States, Constitution of the State of Iowa, federal statute, or state statute.

Read first time and placed on the calendar.

House File 2437, by committee on human resources, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

Read first time and placed on the calendar.

House File 2438, by committee on judiciary and law enforcement, a bill for an act establishing procedures for making annual cost-of-living adjustments in those child support judgments that provide for annual cost-of-living adjustment, including judgments entered prior to the effective date of this Act.

Read first time and placed on the calendar.

House File 2439, by committee on state government, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 2197, by committee on judiciary, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

Read first time and referred to committee on judiciary and law enforcement.

Senate File 2204, by committee on judiciary, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

Read first time and referred to committee on judiciary and law enforcement.

Senate File 2216, by committee on state government, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

Read first time and referred to committee on state government.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1982, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, providing for the State of Iowa to urge a greater federal funding increase for highway programs.

Also: That the Senate has on March 9, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest.

Also: That the Senate has on March 9, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2219, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon publication.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 127

By Tyrrell

- 1 *Whereas*, there does not exist sufficient and accurate
- 2 financial information at the present time to determine
- 3 proper levels of financing for state and local government
- 4 programs; and
- 5 *Whereas*, financial information that is necessary to
- 6 make informed decisions will not be available until late
- 7 spring or early summer and decisions made by the General
- 8 Assembly before the receipt of accurate financial
- 9 information may have adverse effects upon state and local
- 10 government programs as well as the economy of this state;
- 11 and
- 12 *Whereas*, it appears the General Assembly will adjourn
- 13 after making decisions on financial matters and such
- 14 decisions could be erroneous requiring a special session
- 15 of the legislature in any event; and
- 16 *Whereas*, the General Assembly is presently expending
- 17 large sums of money to remain in session but is unable to
- 18 make proper decisions because of the lack of information
- 19 with the result that the expenditure of funds for the
- 20 remainder of the session may have to be duplicated for a
- 21 special session if decisions made without adequate information

22 are erroneous; and
23 *Whereas*, money could be saved and better decisions made
24 if the General Assembly adjourned within the near future
25 and returned when adequate information is available; *Now*
26 *Therefore*,
27 *Be It Resolved by the House of Representatives, the*
28 *Senate Concurring*, That when adjournment is had on Friday,
29 March 19, 1982 it be the final adjournment of the 1982
30 Regular Session of the Sixty-ninth General Assembly; and

Page 2

1 *Be It Further Resolved*, That the governor is requested
2 to call the General Assembly into special session
3 commencing June 14, 1982, in order that the General
4 Assembly can complete its work in an efficient and
5 informed manner; and
6 *Be It Further Resolved*, That a committee composed of
7 members of both houses and both political parties function
8 between the final adjournment of the General Assembly and
9 the convening of the special session in order to plan
10 calendars of the two houses, authorize committee meetings,
11 and do things necessary for planning an efficient and
12 orderly special session of the General Assembly.

Laid over under Rule 30.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 123

Pope of Polk called up for consideration House Concurrent Resolution 123, declaring March 21 through March 27 as "Iowa Nutrition Week", filed on March 3, 1982 and found on page 638 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

(House Concurrent Resolution 123)

Pope of Polk asked and received unanimous consent that House Concurrent Resolution 123 be immediately messaged to the Senate.

Pope of Polk asked and received unanimous consent for the immediate consideration of House File 2394.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2394**, a bill for an act relating to the replacement of curbing and gutters through

the use of special assessments in cities with a population of less than ten thousand.

Poffenberger of Dallas offered amendment H—5339 filed by her as follows:

H—5339

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, by striking lines 7 through 14, and
- 3 inserting in lieu thereof the following: "shall be
- 4 prepared under the council's supervision. The council
- 5 may, by resolution, provide for the computation of the
- 6 assessments on the basis of the lineal footage of the
- 7 curbing and gutters to be replaced. Public improvements
- 8 initiated under this subsection shall in all other
- 9 respects comply with this division."

Poffenberger of Dallas offered the following amendment H—5367, to amendment H—5339, filed by her and moved its adoption:

H—5367

- 1 Amend amendment H—5339 to House File 2394 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word "basis"
- 4 the following: "of the original assessment or".

Amendment H—5367, to amendment H—5339, was adopted.

Poffenberger of Dallas moved the adoption of amendment H—5339, as amended.

Amendment H—5339, as amended, was adopted.

Hoffmann-Bright of Muscatine offered the following amendment H—5364 filed by her and moved its adoption:

H—5364

- 1 Amend House File 2394 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "For purposes of this subsection, "replace" means
- 5 to substitute new curb and gutter at the same location
- 6 where old curb and gutter is located and being re-

- 7 constructed due to deterioration or destruction.
 8 "Replace" does not include the reconstruction of curb
 9 and gutter to change the grade or reconstruction
 10 required because of a street widening project."

Amendment H—5364 was adopted.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2394)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Diemer	Doderer	Egenes
Gettings	Gross	Groth	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renken
Ritsema	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Welsh
Woods	Mr. Speaker		

The nays were, 14:

Byerly	Chiodo	Cochran	Dieleman
Fey	Hall	Halvorson, R. N.	Lloyd-Jones
Oxley	Renaud	Rosenberg	Running
Van Maanen	Welden		

Absent or not voting, 3:

Harbor	Rapp	Walter
--------	------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2399, a bill for an act relating to the date of the annual organization meeting of the board of directors of an area education agency, with report of committee recommending passage was taken up for consideration.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2399)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 4:

Doderer

Harbor

Rapp

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2402, a bill for an act authorizing volunteer members of a volunteer ambulance or rescue service agency to use blue flashing lights on their privately-owned motor vehicles, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5366 filed by him and moved its adoption:

H—5366

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "a" the words "paid or".
- 4 2. Page 1, by striking lines 6 through 8, and
- 5 inserting in lieu thereof the following: "of a fire
- 6 department or a member in good standing of an ambulance
- 7 or rescue service."
- 8 3. Amend the title, line 1, by striking the words
- 9 "volunteer members of a volunteer" and inserting in
- 10 lieu thereof the words "paid or volunteer members
- 11 of an".

Amendment H—5366 lost.

Welsh of Dubuque asked and received unanimous consent to withdraw amendments H—5384 and H—5381 filed by him on March 10, 1982.

Lageschulte of Bremer offered amendment H—5382 filed by Lageschulte, Harbor and Mullins as follows:

H—5382

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. . Section 321.423, subsection 5, Code
- 5 1981, is amended by adding the following new paragraph:
- 6 NEW PARAGRAPH. Paragraph b does not apply to
- 7 members of an ambulance or rescue service."

Lageschulte of Bremer offered the following amendment H—5385, to amendment H—5382, filed by him from the floor and moved its adoption:

H—5385

1 Amend amendment H—5382 to House File 2402 as follows:

2 1. Page 1, by striking lines 4 through 7 and inserting

3 in lieu thereof the following:

4 "Sec. . Section 321.423, subsection 5, paragraph b,

5 is amended by striking the paragraph."

Amendment H—5385, to amendment H—5382, was adopted.

Lageschulte of Bremer moved the adoption of amendment H—5382, as amended.

Amendment H—5382, as amended, was adopted.

The following amendment H—5386, filed by Lageschulte of Bremer from the floor, was adopted by unanimous consent:

H—5386

1 Amend House File 2402, as follows:

2 1. Title page, by striking lines 1 through 3

3 and inserting in lieu thereof the following: "An Act

4 relating to the use of flashing lights by certain

5 emergency service personnel and vehicles."

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2402)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum

Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Rosenberg
Running	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Renken Schnekloth

Absent or not voting, 3:

Harbor Schroeder Walter

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

REREFERRED TO COMMITTEE ON TRANSPORTATION (House File 2060)

Pope of Polk asked and received unanimous consent to rescind the action to withdraw House File 2060 from further consideration by the House on March 10, 1982 and to rerefer House File 2060 to committee on transportation.

Pope of Polk asked and received unanimous consent to add an addendum of page 2 to the Daily Debate Calendar of March 12, 1982.

On motion by Pope of Polk, the House was recessed at 10:00 a.m., until 11:45 a.m.

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILL

House File 2440, by committee on ethics, a bill for an act requiring lobbyists to report the amount and source of their income received for lobbying activities.

Read first time and placed on the calendar.

Maulsby of Calhoun in the chair at 11:52 a.m.

On motion by Pope of Polk, the House was recessed at 12:21 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2441, by committee on human resources, a bill for an act requiring the department of social services to study and recommend a proposal relating to elderly independent group homes.

Read first time and placed on the calendar.

House File 2442, by committee on judiciary and law enforcement, a bill for an act relating to custody of children upon dissolution of marriage.

Read first time and placed on the calendar.

House File 2443, by committee on transportation, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

Read first time and placed on the calendar.

House File 2444, by committee on state government, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

Read first time and placed on the calendar.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, twelve absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2403, a bill for an act including waterworks and related facilities within the definition of essential corporate purpose, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 1:53 p.m.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2403)

The ayes were, 57:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Brandt	Bruner	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Connors	Daggett
Danker	Davitt	Dieleman	Diemer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Jay	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Loneragan	Mullins	Norland	O'Kane
Oxley	Pellet	Pelton	Pope
Renaud	Ritsema	Rosenberg	Schroeder
Shull	Spear	Stromer	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Mr. Speaker			
(Menke)			

The nays were, 41:

Arnould	Baxter	Branstad	Byerly
Conlon	Connolly	Cook	Corey
Crabb	De Groot	Doderer	Fey
Gettings	Hansen, I.	Horn	Howell
Hummel	Jochum	Johnson, J.	Knapp
Lloyd-Jones	Mann	Maulsby	McKean
Pavich	Petrick	Poffenberger	Poncy
Rapp	Renken	Running	Schnekloth
Smalley	Smith	Stueland	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods			

Absent or not voting, 1:

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2308 WITHDRAWN

O'Kane of Woodbury asked and received unanimous consent to withdraw House File 2308 from further consideration by the House.

House File 2379, a bill for an act to provide for the interest and earnings of the state fish and game protection fund, with report of committee recommending passage was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for a portion of the afternoon, on request of Lonergan of Boone.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2379)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley

Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 3:

Connors	Schroeder	Walter
---------	-----------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2375, a bill for an act relating to the crime of terrorism and providing a penalty, with report of committee recommending passage was taken up for consideration.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2375)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick

Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Rosenberg	Running
Schneklath	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 3:

Connors

Renaud

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2378, a bill for an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas offered the following amendment H-5341 filed by her and moved its adoption:

H-5341

- 1 Amend House File 2378 as follows:
- 2 1. Page 1, line 27, by striking the words "**DEPARTMENT**
- 3 **AND COMMITTEE**," and inserting in lieu thereof the words
- 4 "**DEPARTMENT AND, COMMITTEE**,".
- 5 2. Page 1, line 30, by striking the word "department"
- 6 and inserting in lieu thereof the word "department,".
- 7 3. Page 2, line 1, by striking the word "department"
- 8 and inserting in lieu thereof the words "department and".
- 9 4. Page 2, line 6, by inserting before the word
- 10 "committee" the following: "department and".

Amendment H-5341 lost.

Anderson of Audubon offered the following amendment H-5383 filed by Anderson of Audubon, et al., and moved its adoption:

H-5383

1 Amend House File 2378 as follows:

2 1. Page 1, by striking line 25 through page 2,

3 line 13 and inserting in lieu thereof the following:

4 "Sec. 3. Section 467D.17, Code 1981, is amended

5 by striking the section and inserting in lieu thereof

6 the following:

7 467D.17 PLAN PRESENTED TO COMMITTEE, COUNCIL,

8 AND SOIL CONSERVATION DISTRICTS. The board shall

9 tentatively adopt the plan by resolution and shall

10 present the plan to the committee and the council

11 for review. The council shall within ninety days

12 review the plan as presented and make recommendations

13 as, in its discretion, it deems necessary to bring

14 the conservancy district's plan into conformity with

15 the comprehensive state-wide water resources plan

16 established by the council pursuant to section 455A.17.

17 The recommendations of the council shall be submitted

18 to the board for incorporation into the plan. The

19 plan shall then be submitted to the soil conservation

20 districts located entirely or partially within the

21 conservancy district. The soil conservation districts

22 shall review, comment and record a vote within ninety

23 days indicating their support of or opposition to

24 the plan in the same manner provided in section 467D.5,

25 subsection 1. The committee shall inform the soil

26 conservation districts of the votes of the districts

27 within the conservancy district. The committee shall

28 review the plan as presented, give consideration to

29 the comments and vote of the soil conservation

30 districts, give final approval or disapproval of the

31 plan within ninety days, and provide a written

32 statement detailing the basis of their decision.

33 A subsequent major change in the plan, as determined

34 by the conservancy board, is not effective until

35 approved by the process provided in this section for

36 approval of the original plan."

Amendment H-5383 was adopted.

Poffenberger of Dallas offered the following amendment H-5307 filed by Poffenberger, Smalley and Mullins and moved its adoption:

H-5307

1 Amend House File 2378 as follows:

2 1. Page 2, by striking line 14.

Amendment H—5307 lost.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2378)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		
	(Menke)		

The nays were, 1:

Poffenberger

Absent or not voting, 4:

Connors

Lind

Schroeder

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2396, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5310 filed by Schroeder and Schnekloth as follows:

H—5310

- 1 Amend House File 2396 as follows:
- 2 1. Page 1, line 11, by striking the words
- 3 "and installation" and inserting in lieu thereof
- 4 the words "and installation".

Carpenter of Polk rose on a point of order that amendment H—5310 was not germane.

HOUSE FILE 2396 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2396 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 2:35 p.m., until the fall of the gavel.

(Point of order raised by Carpenter of Polk pending.)

The House resumed session at 3:28 p.m., Speaker Stromer in the chair.

MOTION TO RECONSIDER PREVAILED

(Senate File 2084)

Pope of Polk called up for consideration the motion to reconsider Senate File 2084, filed on February 19, 1982, and moved to reconsider the vote by which Senate File 2084 passed the House on February 17, 1982.

A non-record roll call was requested.

The ayes were 51, nays 38.

The motion prevailed and the House reconsidered **Senate File 2084**, a bill for an act making technical corrections to descriptions of legislative districts effective for the 1982 general election.

Hanson of Delaware moved to suspend the rules to consider amendment H—5126 filed by him and found on pages 439 and 440 of the House Journal.

Roll call was requested by Maulsby of Calhoun and Schroeder of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H—5126?"

The ayes were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Stueland
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

The nays were, 42:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Chiodo	Cochran	Connolly	Davitt
Dieleman	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R.N.	Horn
Howell	Jay	Jochum	Knapp
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Swearingen
Welsh	Woods		

Absent or not voting, 3:

Byerly

Connors

Walter

The motion prevailed and the rules were suspended to consider amendment H—5126.

The House stood at ease at 3:31 p.m., until the fall of the gavel.

(Senate File 2084 and amendment H—5126 pending.)

The House resumed session at 4:24 p.m., Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie, for the remainder of the day, on request of Pope of Polk.

The House resumed consideration of Senate File 2084 and amendment H—5126.

Bruner of Story offered the following amendment H—5393, to amendment H—5126, filed by Bruner, et al., from the floor and moved its adoption:

H—5393

1 Amend amendment H—5126 to Senate File 2084 by
2 striking lines 4 through 38 and inserting in lieu
3 thereof the following:

4 "Sec. . Section 42.4, subsection 8, para-
5 graph b, subparagraph (1), Code 1981, is amended
6 to read as follows:

7 (1) If one and only one an incumbent state
8 senator whose senatorial district for the Sixty-
9 ninth General Assembly contains area in common with
10 an even-numbered senatorial district created in a
11 bill embodying a plan under this section is the
12 only incumbent state senator residing in an the even-
13 numbered senatorial district on April 2, 1982, and
14 that senator was elected to a four-year term which
15 commenced in January, 1981 or was subsequently
16 elected to fill a vacancy in such a term, the
17 senator shall represent the district in the senate
18 for the Seventieth General Assembly.

19 Sec. . Acts of the Sixty-ninth General
20 Assembly, Second Extraordinary 1981 Session,
21 chapter 1, section 4, subsection 3, paragraph a,
22 is amended to read as follows:

23 a. If one and only one an incumbent state
24 senator whose senatorial district for the Sixty-
25 ninth General Assembly contains area in common

26 with an even-numbered senatorial district created
 27 in this Act is the only incumbent senator resid-
 28 ing in an the even-numbered senatorial district
 29 on April 2, 1982,' and that senator was elected
 30 to a four-year term which commenced in January,
 31 1981 or was subsequently elected to fill a
 32 vacancy in such a term, the senator shall re-
 33 present the district in the senate for the
 34 Seventieth General Assembly."

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H-5393, to amendment H-5126, be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Tofte	Van Maanen	Welsh
Woods			

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Trucano
Tyrrell	Welden	Mr. Speaker	

Absent or not voting, 3:

Danker

Pelton

Walter

Amendment H—5393, to amendment H—5126, lost.

Doderer of Johnson offered the following amendment H—5394, to amendment H—5126, filed by her from the floor and moved its adoption:

H—5394

- 1 Amend amendment H—5126 to Senate File 2084 as
- 2 follows:
- 3 1. Page 1, line 17, by striking the words "September
- 4 16, 1981" and inserting the words "March 26, 1982".
- 5 2. Page 1, line 25, by striking the words "September
- 6 16," and inserting the words "March 26, 1982".
- 7 3. Page 1, line 26, by striking the figure "1981".

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

Rule 80 was invoked.

On the question "Shall amendment H—5394, to amendment H—5126, be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Cochran	Connolly	Connors
Davitt	Dieleman	Doderer	Fey
Gettings	Groth	Hall	Horn
Howell	Jay	Jochum	Knapp
Lloyd-Jones	Loneragan	Norland	O'Kane
Oxley	Pavich	Poney	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Swearingen
Van Maanen	Welsh	Woods	

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
De Groot	Diemer	Egenes	Gross

Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petric	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Stueland
Tofte	Trucano	Tyrrell	Welden
Mr. Speaker			

Absent or not voting, 3:

Chiodo	Danker	Walter
--------	--------	--------

Amendment H—5394, to amendment H—5126, lost.

Hanson of Delaware moved the adoption of amendment H—5126.

Roll call was requested by Schnekloth of Scott and Pelton of Clinton.

On the question "Shall amendment H—5126 be adopted?"

The ayes were, 60:

Anderson, J.	Bennett	Brandt	Branstad
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Cook	Corey
Crabb	Daggett	De Groot	Diemer
Egenes	Gross	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Oxley
Pellett	Pelton	Petric	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

The nays were, 36:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Bruner	Byerly	Cochran
Connolly	Connors	Davitt	Dieleman
Doderer	Fey	Gettings	Groth

Halvorson, R. N.	Horn	Howell	Jay
Lloyd-Jones	Loneragan	Norland	O'Kane
Pavich	Poncy	Rapp	Renaud
Rosenberg	Running	Sturgeon	Sullivan
Swartz	Swearingen	Welsh	Woods

Absent or not voting, 3:

Chiodo	Danker	Walter
--------	--------	--------

Amendment H—5126 was adopted, placing out of order amendment H—5245 filed by Hanson of Delaware and Bruner of Story on February 24, 1982.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2084)

The ayes were, 69:

Anderson, J.	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Daggett	De Groot
Dieleman	Diemer	Doderer	Egenes
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Mann	Maulsby
McKean	Menke	Mullins	Oxley
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 26:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Byerly	Cochran	Connolly
Connors	Davitt	Fey	Gettings
Halvorson, R. N.	Howell	Jochum	Lloyd-Jones
Loneragan	Norland	O'Kane	Pavich
Rapp	Rosenberg	Running	Swartz
Welsh	Woods		

Absent or not voting, 4:

Chiodo

Danker

Lind

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER TABLED
(Senate File 2084)

Pope of Polk moved to reconsider the vote by which Senate File 2084 passed the House on March 11, 1982 and to table the motion to reconsider.

Conlon of Muscatine rose on a point of order that the bill had been previously reconsidered and the motion to reconsider was not in order.

The Speaker ruled the point not well taken pursuant to Section 457.2 of Mason's Manual of Legislative Procedure.

On the motion to reconsider the vote on Senate File 2084 and to table the motion to reconsider, a non-record roll call was requested.

The ayes were 54, nays 42.

The motion to table prevailed.

MOTIONS TO RECONSIDER
(House File 2403)

I move to reconsider the vote by which House File 2403 passed the House on March 11, 1982.

KREWSON of Polk

(House File 2403)

I move to reconsider the vote by which House File 2403 passed the House on March 11, 1982.

CONNORS of Polk

(House File 2403)

I move to reconsider the vote by which House File 2403 passed the House on March 11, 1982.

RENAUD of Polk

HOUSE CONCURRENT RESOLUTION 128

By Clements

1 *Whereas*, Silviu Cioata and Costel Georgescu of Ploesti,
2 Romania, were arrested on November 11, 1981, and Nicu Rotaru
3 of Bacau, Romania, was arrested on December 11, 1981, for
4 distributing Bibles in the Socialist Republic of Romania and
5 are now awaiting trial; and

6 *Whereas*, John Teodosiu of Cluj, Romania, was arrested and
7 charged on December 16, 1981, for espionage due to his
8 information-gathering activities for western human rights
9 organizations relating to the arrests and persecution of
10 religious believers in the Socialist Republic of Romania.

11 These information-gathering activities were religious, not
12 political, in nature and have resulted in John Teodosiu being
13 held incommunicado by the Romanian Secret Police; and

14 *Whereas*, relatives of Christian believers are being impelled
15 by the Romanian authorities to sign statements which would
16 subject their loved ones, because of their religious beliefs,
17 to treatment in psychiatric institutions; and

18 *Whereas*, other Christian believers in the towns of
19 Bucharest, Ploesti, Bacau and Alba are currently being
20 subjected to interrogations by the Romanian Secret Police
21 because of their involvement in distributing Bibles; and

22 *Whereas*, numerous reports are reaching the United States
23 which indicate that those individuals arrested are being held
24 and tortured with electric shock treatments and severe
25 beatings; and

26 *Whereas*, in August of 1975, the Romanian government signed
27 the Final Act of the Helsinki Accords, pledging to "recognize
28 and respect the freedom of the individual to profess and
29 practice, alone or in community with others, religion or
30 belief acting in accordance with the dictates of his own

Page 2

1 conscience"; and

2 *Whereas*, in accordance with Section 402 (Jackson-Vanik
3 Amendment) of the 1974 Trade Act, Romania's emigration and
4 human rights record is to be studied annually by the
5 administration, as well as by both houses of Congress to
6 determine whether that country is eligible to receive "Most
7 Favored Nation Trading Status" for an additional year; *Now*,
8 *Therefore*,

9 *Be It Resolved by the House of Representatives, the Senate*
10 *Concurring*, That we urge President Reagan not to renew the
11 Most Favored Nation Trading Status which the Socialist Republic
12 of Romania now enjoys with the United States; and

13 *Be It Further Resolved*, That we encourage the members of
14 the Iowa Congressional Delegation to testify before the House
15 Subcommittee on Trade and the Senate Subcommittee on

16 International Trade against the renewal of Romania's Most
17 Favored Nation Trading Status in protest of the repression
18 of religious freedom by the Romanian government; and
19 *Be It Further Resolved*, That the United States Helsinki
20 Commission is urged to block the selection of Bucharest,
21 Romania, as the next location for the review of the "Final
22 Acts of the Helsinki Agreement" by the Commission for Security
23 and Cooperation in Europe; and
24 *Be It Further Resolved*, That copies of this resolution
25 be sent to President Reagan, the members of the Iowa
26 Congressional Delegation, the Embassy of the Socialist Republic
27 of Romania, Radio Free Europe/Radio Liberty and the Voice
28 of America.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 129
By Committee on Judiciary and Law Enforcement

1 *Whereas*, the divorce rate in Iowa has steadily
2 risen from 1.6 per 1,000 population in 1960 to
3 4.1 per 1,000 population in 1980; and
4 *Whereas*, of the 11,854 divorces decreed in Iowa
5 in 1980, 7,210, or 60.8 percent, involved one or
6 more children under the age of 18; and
7 *Whereas*, it is the determination of the Iowa
8 general assembly that divorce does not mean the
9 termination of parental rights and responsibilities;
10 and
11 *Whereas*, it is also the conviction of the
12 general assembly that children have the right to
13 care by both parents unless deemed harmful to
14 the child by the courts; and
15 *Whereas*, the patterns of child care and custody
16 are rapidly changing in modern society; and
17 *Whereas*, the development of wise public policy
18 to guide the courts in decisions relating to child
19 custody requires adequate information on the types
20 of custody arrangements being made and the amount
21 of support payments being ordered; *Now Therefore*,
22 *Be It Resolved by the House of Representatives*,
23 *the Senate Concurring*, That the division of records
24 and statistics of the department of health collect
25 information relating to child custody and child
26 support for a period of three years.

Laid over under Rule 30.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 11, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 2341, an act relating to establishing a state employee suggestion system.

House File 2347, an act relating to changes in Iowa's unemployment compensation law mandated by the federal Omnibus Budget Reconciliation Act of 1981 and requested by the federal Department of Labor.

Senate File 217, an act to provide certain exemptions from the real estate transfer tax and the requirements relating to the filing of a declaration of value.

Senate File 399, an act relating to revision of laws governing recreational boating in Iowa, including penalties and scheduled fines for violations of boating laws.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 747 Human Resources

To raise the thresholds for review of expenditures under the certificate of need program and to repeal the uniform financial reporting requirements for hospitals and health care facilities under the certificate of need program.

S.B. 748 Commerce

Relating to group insurance coverage for county extension office assistants.

S.B. 749 County Government

Relating to the cancellation of outstanding warrants.

S.B. 750 County Government

Relating to the regulation of traffic on secondary roads.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Committee Bill (Formerly Study Bill 672, as amended), relating to the Iowa small business loan program.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 712, as amended), providing for judicial review of rate-regulatory decisions of the commerce commission by the supreme court.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 738), relating to the establishment of a loan loss reserve program for bank loans to small businesses.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 748), relating to group insurance coverage for county extension office assistants.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 2221), to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2246), requiring the department of social services to study and recommend a proposal relating to elderly independent group homes.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 741), relating to the refund of fees when a mobile home park license is denied, revoked, or suspended.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House Concurrent Resolution, a concurrent resolution relating to the collection of information relating to child custody and child support by the division of records and statistics of the department of health.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 714, as amended), amending certain provisions of the juvenile justice statute.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly House File 2105, as amended), relating to the notification of persons upon release of inmates.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 553), relating to the use of small estates.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 557), defining the period of limitation of administration of estate.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 616, as amended), correcting erroneous, inconsistent and obsolete provisions of the Code, including penalty provisions.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 680), relating to the designation of the attorney or attorneys employed by the fiduciary.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 735, as amended), relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 744, as amended), relating to the cost of legalizing bills.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5392.

COMMITTEE ON TRANSPORTATION

Senate File 2157, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 728), relating to various requirements of the department of transportation and county officials with regard to secondary and farm to market highways.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 707, as amended), to increase the rate of the excise tax on gasohol and making the Act effective upon publication.

Fiscal note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5387	H.F. 2389	Arnould of Scott
H-5388	H.F. 2389	Sturgeon of Woodbury
		O'Kane of Woodbury
H-5389	H.F. 2389	Bruner of Story
H-5390	H.F. 2389	Sturgeon of Woodbury
		O'Kane of Woodbury
H-5391	H.F. 2389	Doderer of Johnson
		Hanson of Delaware
		Mullins of Kossuth
		Lloyd-Jones of Johnson
H-5392	S.F. 2216	Committee on
		State Government
H-5395	H.F. 2363	Anderson of Audubon
H-5396	H.F. 2406	McKean of Jones
H-5397	H.F. 2414	Poffenberger of Dallas

On motion by Pope of Polk, the House adjourned at 5:53 p.m., until 9:00 a.m., Friday, March 12, 1982.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day — Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 12, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Mark Pflughoeft, pastor of St. Paul's Lutheran Church, Boone.

The Journal of Thursday, March 11, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion on request of Howell of Floyd.

INTRODUCTION OF BILLS

House File 2445, by committee on education, a bill for an act to allow school districts to levy a property tax for increased costs for heat and lighting for the school year beginning July 1, 1981 over these costs for July 1, 1980 and to provide that the Act takes effect upon its publication.

Read first time and referred to committee on **ways and means**.

House File 2446, by committee on human resources, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

Read first time and **placed on the calendar**.

House File 2447, by committee on commerce, a bill for an act relating to the establishment of a loan loss reserve program for bank loans to small businesses.

Read first time and referred to committee on **appropriations**.

House File 2448, by committee on agriculture, a bill for an act relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license.

Read first time and placed on the calendar.

House File 2449, by committee on judiciary and law enforcement, a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Read first time and placed on the calendar.

House File 2450, by committee on education, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools.

Read first time and placed on the calendar.

House File 2451, by committee on education, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Read first time and placed on the calendar.

House File 2452, by committee on judiciary and law enforcement, a bill for an act relating to the cost of legalizing bills.

Read first time and placed on the calendar.

House File 2453, by committee on judiciary and law enforcement, a bill for an act relating to the dollar limitation on the administration of certain small estates.

Read first time and placed on the calendar.

House File 2454, by committee on human resources, a bill for an act relating to the refund of fees when a mobile home park license is denied, revoked, or suspended.

Read first time and placed on the calendar.

House File 2455, by committee on agriculture, a bill for an act relating to reports by corporations and limited partnerships which own agricultural land.

Read first time and placed on the calendar.

House File 2456, by Pope and Avenson, a bill for an act to provide that investment of moneys in the Iowa public employees' retirement system fund be made to enhance the economy of this state and the employment of residents of this state.

Read first time and referred to committee on state government.

House File 2457, by committee on county government, a bill for an act relating to the disposition of fines and forfeited bail for violations of county ordinances.

Read first time and placed on the calendar.

House File 2458, by committee on ways and means, a bill for an act to increase the rate of the excise tax on gasohol.

Read first time and placed on the ways and means calendar.

House File 2459, by committee on judiciary and law enforcement, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code or the Acts.

Read first time and placed on the calendar.

House File 2460, by committee on judiciary and law enforcement, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than

personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code.

Read first time and placed on the calendar.

House File 2461, by committee on commerce, a bill for an act relating to group insurance coverage for county extension office assistants.

Read first time and placed on the calendar.

House File 2462, by committee on judiciary and law enforcement, a bill for an act relating to the notification of persons upon release of inmates.

Read first time and placed on the calendar.

House File 2463, by committee on natural resources, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date.

Read first time and placed on the calendar.

House File 2464, by committee on commerce, a bill for an act relating to the Iowa small business loan program.

Read first time and **placed on the calendar**.

House File 2465, by committee on judiciary and law enforcement, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the Code.

Read first time and **placed on the calendar**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 808, a bill for an act relating to the registration of and licensing for the operation of motor vehicles, with a December 1, 1983 effective date.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 130 By Committee on Agriculture

1 *Whereas*, there are over 13,000 farmers in the state
2 of Iowa milking approximately 378,000 cows which, at an
3 average of almost 11,000 pounds of milk per cow per
4 year, produce a total annual milk volume of 4.1 billion
5 pounds of fluid milk and;

6 *Whereas*, there are in Iowa over 71 dairy processing
7 plants, including fluid milk plants, cheese plants,
8 butter plants, ice cream plants, and various other
9 dairy processing plants which employ over 2,600 people
10 in processing the more than 4.1 billion pounds of milk
11 produced annually in this state into fluid milk and a
12 wide assortment of healthful milk products; and

13 *Whereas*, these processing employees generate more
14 than \$4.8 million annually in state sales and income
15 tax revenues; and

16 *Whereas*, Iowa's dairy farmers receive more than half
17 a billion dollars annually in cash receipts for fluid
18 milk, which cash receipts have a substantial impact on
19 this state's economy; and

20 *Whereas*, Iowa, producing enough milk to meet the dairy

21 needs of approximately 7.5 million people, is a substan-
22 tial exporter of milk and milk products, having a sub-
23 stantial beneficial effect on Iowa's balance of pay-
24 ments; and

25 *Whereas*, dairy foods have excellent nutritional value,
26 contributing 22% of our protein, 75% of our calcium,
27 39% of our riboflavin, 35% of our phosphorous, 22% of
28 our magnesium, and almost all of our vitamin D require-
29 ments, while constituting only 11% of our total caloric
30 intake; and

Page 2

1 *Whereas*, among the states, Iowa ranks eighth in total
2 milk production, fourth in cheese-production, fourth in
3 nonfat dry milk production, fourth in dry whey production,
4 third in mellorine production, and third in buttermilk
5 production; *Now Therefore*,

6 *Be It Resolved by the House of Representatives, the*
7 *Senate Concurring*, That milk be designated and known as
8 the official state beverage of Iowa in conjunction with
9 June as National Dairy Month; and

10 *Be It Further Resolved*, That the Governor is requested
11 to include in his Dairy Month Proclamation the fact that
12 milk is now the official state beverage of Iowa for the
13 month of June each year.

Laid over under Rule 30.

SENATE CONCURRENT RESOLUTION 102
By Committee on County Government

1 *Whereas*, over ninety percent of all passenger miles of
2 travel and over forty percent of all freight movement is by
3 highway, and while the highway system will continue to be
4 the primary mover of both people and goods; and

5 *Whereas*, the costs of building and maintaining highways
6 have doubled in the last decade, and inflation continues to
7 diminish the buying power of the highway dollar; and

8 *Whereas*, revenues from state and federal gasoline taxes
9 have begun to level off and decline because of more fuel-
10 efficient automobiles and less driving and the increased use
11 of tax-exempt alternative fuels, such as gasohol; and

12 *Whereas*, many of our Iowa highways and bridges have reached
13 their design life and are in desperate need of repair and
14 reconstruction; and

15 *Whereas*, present federal standards, including those relating
16 to bridge inspection, have impeded the state's efforts to
17 repair and reconstruct Iowa bridges; *Now Therefore*,

18 *Be It Resolved by the Senate, the House Concurring*, That

19 the state of Iowa urges a greater federal funding emphasis
20 on repair and reconstruction of our bridges and highways;
21 and
22 *Be It Further Resolved*, That funding authorizations for
23 noninterstate highway programs, which include programs for
24 bridges, should be increased to a level sufficient to offset
25 inflation; and
26 *Be It Further Resolved*, That present federal design
27 standards, particularly those involving bridge construction,
28 should be relaxed to permit more efficient utilization of
29 the state's limited program resources without adversely
30 affecting safety; and

Page 2

1 *Be It Further Resolved*, That present national bridge
2 inspection standards be reviewed to determine suitable and
3 less stringent criteria for bridge inspections and rating;
4 and
5 *Be It Further Resolved*, That the governor of the state
6 of Iowa forward certified copies of this resolution to the
7 secretary of transportation of the United States.

Laid over under Rule 30.

SENATE AMENDMENT CONSIDERED
House Concurs

Welden of Hardin called up for consideration **House File 2336**, a bill for an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees, amended by the Senate, and moved that the House concur in the Senate amendment as follows:

H-5368

1 Amend House File 2336 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, lines 19 and 20, by striking the words
4 and figure "eight hundred sixty-one thousand one
5 hundred seventy-eight (861,178)" and inserting in
6 lieu thereof the words and figure "six hundred twenty-
7 three thousand (623,000)".
8 2. Page 3, by inserting after line 5 the following:
9 "Sec. . Acts of the Sixty-ninth General
10 Assembly, 1981 Session, chapter 5, section 4,
11 subsection 7, paragraph d, is amended by adding the
12 following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. The department shall
14 identify any homemaker-home health aide funds allocated
15 to counties under this paragraph which the counties
16 do not anticipate spending during the fiscal year
17 ending June 30, 1982. If the anticipated excess funds
18 to any county are substantial, the department and
19 the county may agree to return the excess funds to
20 the department. The department may reallocate the
21 excess funds to counties whose allocations are
22 substantially insufficient to pay for homemaker-home
23 health aide services during the fiscal year ending
24 June 30, 1982."

25 3. Page 6, line 2, by striking the figure "14"
26 and inserting in lieu thereof the figure "12".

27 4. Page 7, line 2, by striking everything after
28 the figure "2" through line 9 and inserting in lieu
29 thereof a period.

30 5. Page 11, by inserting after line 34 the
31 following new section:

32 "Sec. . Acts of the Sixty-eighth General
33 Assembly, 1980 Session, chapter 1095, section 22,
34 is amended to read as follows:

35 SEC. 22. There is appropriated from the general
36 fund of the state for the use of the Iowa railway
37 finance authority for the fiscal period beginning
38 July 1, 1980 and ending June 30, 1983 the sum of two
39 hundred seventy-five thousand (275,000) dollars, or
40 so much thereof as is necessary, to be used for
41 salaries, support, maintenance and miscellaneous
42 purposes and to establish and maintain the Iowa railway
43 finance authority and its staff, to promulgate rules
44 under chapter seventeen A (17A) of the Code and for
45 planning purposes. Section eight point thirty-three
46 (8.33) of the Code shall not apply to the funds
47 appropriated by this section. The funds appropriated
48 by this section which are unencumbered and unobligated
49 on July 1, 1982 shall be transferred to the railroad
50 assistance fund and be available for the purposes

Page 2

1 provided in chapter three hundred twenty-seven H
2 (327H) of the Code."

3 6. Renumber sections and correct internal
4 references as are necessary in accordance with this
5 amendment.

The motion prevailed and the House concurred in Senate amend-
ment H—5368.

Welden of Hardin moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2336)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Diemer	Doderer	Egenes
Fey	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Rosenberg	Running	Schnekloth
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, 6:

Carpenter	Clements	Gross	Johnson, J.
Krewson	Renken		

Absent or not voting, 5:

Binneboese	Dieleman	Schroeder	Smalley
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

BUSINESS PENDING

The House resumed consideration of **House File 2396**, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax, and point of order raised by Carpenter of Polk on the germaneness of amendment H—5310, found on page 775 of the House Journal.

The Speaker ruled the point well taken and amendment H—5310 not germane.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2396)

The ayes were, 73:

Anderson, J.	Bennett	Binneboese	Brandt
Branstad	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Gettings	Gross
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Schnekloth	Shull
Smalley	Smith	Spear	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

The nays were, 23:

Anderson, R.	Arnould	Avenson	Baxter
Bruner	Byerly	Connors	Davitt
Doderer	Fey	Groth	Halvorson, R. N.
Jay	Knapp	Lloyd-Jones	Norland
O'Kane	Renaud	Rosenberg	Running
Sturgeon	Sullivan	Welsh	

Absent or not voting, 3:

Dieleman

Schroeder

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

Regular Calendar

SENATE FILE 26 SUBSTITUTED FOR HOUSE FILE 2414

Schnekloth of Scott asked and received unanimous consent to substitute Senate File 26 for House File 2414.

Senate File 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty, was taken up for consideration.

Poffenberger of Dallas offered amendment H—5399 filed by her from the floor as follows:

H—5399

- 1 Amend Senate File 26, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 12, the following:
- 4 "Sec. . Section 321.377, Code 1981, is amended
- 5 to read as follows:
- 6 321.377 SPEED OF SCHOOL BUS. No motor vehicle in
- 7 use as a school bus shall be operated at a speed in
- 8 excess of fifty-five miles per hour on any fully
- 9 controlled-access, divided, multilaned highways, inter-
- 10 state highways or on any four-lane primary highway.
- 11 When not in operation on an interstate highway system
- 12 or on any four-laned primary highway, the maximum speed
- 13 for a school bus shall be fifty miles per hour when used
- 14 for purposes of an educational trip or for transporting
- 15 pupils to and from any extracurricular activity, and
- 16 forty five miles per hour at all other times. Any
- 17 violation of this section, by a driver, shall be deemed
- 18 sufficient cause for canceling his contract. For the
- 19 purpose of this section, interstate highways means those
- 20 highways included in the national system of interstate
- 21 highways designated by the federal highway administration
- 22 and this state."

Johnson of Woodbury rose on a point of order that amendment H—5399 was not germane.

The Speaker ruled the point well taken and amendment H—5399 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—5399.

A non-record roll call was requested.

The ayes were 41, nays 50.

The motion lost.

SENATE FILE 26 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 26 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

Senate File 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control, with report of committee recommending passage was taken up for consideration.

Krewson of Polk offered the following amendment H—5349 filed by him and requested division as follows:

H—5349

- 1 Amend Senate File 579 as passed by the Senate,
- 2 as follows:

H—5349A

- 3 1. Page 2, line 18, by striking the words and
- 4 figures "subsection 1, Code 1981, is" and inserting
- 5 in lieu thereof the words and figures "subsections
- 6 1 and 5, Code 1981, are".
- 7 2. Page 2, by inserting after line 33 the
- 8 following:
- 9 "5. To issue revenue bonds for the purpose of
- 10 defraying the cost of any project and to secure payment

11 of such bonds as provided in this chapter. However,
12 in the case of a project suitable for the use of a
13 beginning businessperson, the bonds may not exceed
14 the aggregate principal amount of five hundred thousand
15 dollars. However, beginning July 1, 1985 the governing
16 body of the municipality shall appropriate from the
17 general fund of the municipality an amount equal to
18 ten percent of the face value of the bonds to be
19 issued after July 1, 1985, excluding refunding bonds
20 issued under section 419.6, for the purpose of
21 financing portable equipment used for pollution
22 control. The amount appropriated shall be used solely
23 for the purpose for which the bonds are issued."

H—5349B

24 3. Page 2, by inserting after line 33 the
25 following:
26 "Sec. Chapter 419, Code 1981, is amended
27 by adding the following new section:
28 "NEW SECTION. If the financing under this chapter
29 is for portable equipment used for pollution control
30 the person receiving the financing or leasing or using
31 the portable equipment shall sign an affidavit which
32 shall be forwarded to the department of revenue that
33 any deduction for depreciation allowed under section
34 168 of the Internal Revenue Code of 1954 as amended
35 to and including January 1, 1982 shall not be taken
36 on the portable equipment for purposes of the state
37 income tax. This paragraph constitutes a disallowance
38 of such deduction for depreciation for state income
39 tax purposes and the taking of such depreciation shall
40 constitute a filing of a false return for purposes
41 of the penalties provided in divisions II and III
42 of chapter 422."
43 4. By renumbering as necessary.

Krewson of Polk asked and received unanimous consent to
withdraw amendment H—5349A.

Krewson of Polk offered amendment H—5347 filed by him as
follows:

H—5347

1 Amend Senate File 579 as passed by the Senate,
2 as follows:
3 1. Page 2, by inserting after line 33 the
4 following:
5 "Sec. Chapter 419, Code 1981, is amended
6 by adding the following new section:

7 NEW SECTION. If the financing under this chapter
8 is for the acquisition of a project the person
9 receiving the financing or leasing or using the project
10 shall sign an affidavit which shall be forwarded to
11 the department of revenue that any deduction for
12 depreciation allowed under section 168 of the Internal
13 Revenue Code of 1954 as amended to and including
14 January 1, 1982 shall not be taken on the project
15 for purposes of the state income tax. This paragraph
16 constitutes a disallowance of such deduction for
17 depreciation for state income tax purposes and the
18 taking of such depreciation shall constitute a filing
19 of a false return for purposes of the penalties
20 provided in divisions II and III of chapter 422."

21 2. Title page, line 3, by inserting after the
22 word "control" the words "and relating to depreciation
23 on projects financed under chapter 419".

24 3. By renumbering as necessary.

Daggett of Taylor rose on a point of order that amendment H-5347 was not germane.

The Speaker ruled the point well taken and amendment H-5347 not germane.

Krewson of Polk moved the adoption of amendment H-5349B.

Daggett of Taylor rose on a point of order that amendment H-5349B was not germane.

The Speaker ruled the point well taken and amendment H-5349B not germane.

Krewson of Polk moved that the rules be suspended to consider amendment H-5349B.

Roll call was requested by Krewson of Polk and Arnould of Scott.

On the question "Shall the rules be suspended to consider amendment H-5349B?"

The ayes were, 38:

Arnould
Brandt

Avenson
Bruner

Baxter
Carl

Binneboese
Chiodo

Connolly	Connors	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Knapp
Krewson	Lloyd-Jones	Loneragan	Norland
O'Kane	Oxley	Pavich	Pelton
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Swartz
Welsh	Woods		

The nays were, 53:

Anderson, J.	Bennett	Branstad	Byerly
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Diemer	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Petrick	Pope	Renken
Ritsema	Schnekloth	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 8:

Anderson, R.	Dieleman	Doderer	Egenes
Poffenberger	Schroeder	Sullivan	Walter

The motion lost.

Byerly of Polk asked and received unanimous consent to change his vote from "aye" to "nay" on the motion to suspend the rules to consider amendment H—5349B. The vote was so recorded.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 579)

The ayes were, 55:

Anderson, J.	Avenson	Bennett	Brandt
Byerly	Carpenter	Clark, J. H.	Clements
Cochran	Conlon	Connors	Corey

Crabb	Daggett	Danker	Davitt
De Groot	Diemer	Egenes	Fey
Gross	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann-Bright	Horn	Howell	Johnson, W.
Lind	Loneragan	Maulsby	Menke
Norland	O'Kane	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Renaud	Schnekloth	Shull	Smith
Spear	Stueland	Sturgeon	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Mr. Speaker	

The nays were, 37:

Arnould	Baxter	Binneboese	Branstad
Bruner	Carl	Chiodo	Clark, B. J.
Connolly	Cook	Doderer	Gettings
Groth	Hall	Halvorson, R. N.	Hanson, D.
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Knapp	Krewson	Lloyd-Jones
Mann	McKean	Mullins	Oxley
Pelton	Rapp	Renken	Ritsema
Rosenberg	Running	Smalley	Sullivan
Welden			

Absent or not voting, 7:

Anderson, R.	Dieleman	Holt	Lageschulte
Schroeder	Walter	Woods	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2101, a bill for an act amending the schedule of controlled substances, with report of committee recommending passage was taken up for consideration.

HOUSE RULE 25 SUSPENDED

Conlon of Muscatine asked and received unanimous consent to suspend House Rule 25 to permit Norman Johnson of the Board of Pharmacy Examiners to be present in the House chamber during debate on Senate File 2101.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2101)

The ayes were, 92:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Davitt	De Groot	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Anderson, R.	Danker	Dieleman	Holt
Schroeder	Walter	Woods	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 400, a bill for an act providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of 1954 and providing for a January 1 effective date, with report of committee recommending amendment and passage was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5316 filed by the committee on ways and means and moved its adoption:

H—5316

- 1 Amend Senate File 400 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 16 through 18 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. 2. This Act is retroactive to January 1,
- 6 1982 for tax years beginning on or after January 1,
- 7 1982."
- 8 2. Title page, line 4, by striking the date
- 9 "January 1" and inserting in lieu thereof the word
- 10 "retroactive".

The committee amendment H—5316 was adopted, placing out of order amendment H—4082 filed by Norland of Worth and Conlon of Muscatine on May 11, 1981.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 400)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Ponce	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklloth	Shull	Smalley

Smith
Sullivan
Trucano
Welsh

Spear
Swartz
Tyrrell
Mr. Speaker

Stueland
Swearingen
Van Maanen

Sturgeon
Tofte
Welden

The nays were, none.

Absent or not voting, 5:

Dieleman
Woods

Poffenberger

Schroeder

Walter

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

UNANIMOUS CONSENT (House File 2363)

Pope of Polk asked and received unanimous consent to take up out of order House File 2363.

Regular Calendar

The House resumed consideration of **House File 2363**, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

Anderson of Audubon offered the following amendment H—5395 filed by him and moved its adoption:

H—5395

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "farmers." the words "In addition under the program,
- 4 the authority may enter into a loan agreement with
- 5 the owner or operator to finance in whole or in part
- 6 the implementation of permanent soil and water
- 7 conservation practices and the acquisition of
- 8 conservation farm equipment for agricultural land
- 9 in the state. The repayment obligation of the owner
- 10 or operator may be unsecured, or may be secured by
- 11 a mortgage or security agreement or by other security
- 12 as the authority deems advisable, and may be evidenced
- 13 by one or more notes of the owner or operator. The
- 14 loan agreement may contain terms and conditions as
- 15 the authority deems advisable."

Roll call was requested by Davitt of Warren and Howell of Floyd.

On the question "Shall amendment H—5395 be adopted?"

The ayes were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellet	Pelton
Petrick	Poffenberger	Pope	Rapp
Renken	Ritsema	Schnekloth	Shull
Smalley	Smith	Stueland	Swearingen
Trucano	Tyrrell	Van Maanen	Mr. Speaker

The nays were, 42:

Arnould	Avenson	Baxter	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Davitt	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R.N.	Horn
Howell	Jay	Jochum	Johnson, J.
Knapp	Lloyd-Jones	Lonergan	Norland
O'Kane	Oxley	Pavich	Poncy
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Tofte
Welden	Welsh		

Absent or not voting, 5:

Anderson, R.	Dieleman	Schroeder	Walter
Woods			

Amendment H—5395 was adopted.

Anderson of Audubon asked and received unanimous consent to withdraw amendment H—5325 filed by him on March 4, 1982.

Welsh of Dubuque offered the following amendment H—5224 filed by Welsh, et al., and requested division as follows:

H—5224

- 1 Amend House File 2363 as follows:

H—5224A

- 2 1. Page 1, line 8, by inserting after the word
- 3 "all" the word "credit worthy".

H—5224B

- 4 2. Page 1, line 24, by inserting after the word
- 5 "all" the word "credit worthy".

Welsh of Dubuque asked and received unanimous consent to withdraw amendment H—5224A.

Welsh of Dubuque offered the following amendment H—5295 filed by Welsh, Cochran and Davitt and moved its adoption:

H—5295

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, line 9, by inserting before the
- 3 word "owners" the words "credit worthy".

Amendment H—5295 was adopted.

The House resumed consideration of amendment H—5224B.

Ritsema of Sioux rose on a point of order asking for clarification as to which amendment had been previously adopted.

The Speaker ruled the point well taken and the House again considered amendment H—5295 as follows:

H-5295

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, line 9, by inserting before the
- 3 word "owners" the words "credit worthy".

On motion by Welsh of Dubuque, amendment H-5295 was adopted.

Avenson of Fayette rose on a point of order to expunge the first vote on amendment H-5295 from the House Journal of March 12, 1982.

The Speaker ruled the point well taken and ordered amendment H-5295 and its adoption, found on page 810 of the House Journal, expunged from the record.

Welsh of Dubuque called up for consideration amendment H-5224B and moved its adoption.

Amendment H-5224B was adopted.

Krewson of Polk offered the following amendment H-5297 filed by him and requested division as follows:

H-5297

- 1 Amend House File 2363 as follows:

H-5297A

- 2 1. Page 2, by inserting after line 7 the following:
- 3 "e. If the financing is for the acquisition of
- 4 conservation farm equipment the person receiving the
- 5 financing shall sign an affidavit which shall be
- 6 forwarded to the department of revenue that any
- 7 deduction for depreciation allowed under section 168
- 8 of the Internal Revenue Code of 1954 as amended to
- 9 and including January 1, 1982 shall not be taken on
- 10 the conservation farm equipment for purposes of the
- 11 state income tax. This paragraph constitutes a
- 12 disallowance of such deduction for depreciation for
- 13 state income tax purposes and the taking of such
- 14 depreciation shall constitute a filing of a false
- 15 return for purposes of the penalties provided in
- 16 divisions II and III of chapter 422."

H-5297B

17 2. Page 3, by inserting after line 22 the
18 following:

19 " . Beginning July 1, 1985, there is appropriated
20 to the authority from the general fund of the state
21 an amount equal to ten percent of the face value of
22 the bonds or notes issued by the authority under this
23 section. The state comptroller shall pay to the
24 authority within thirty days of the issuance of the
25 bonds or notes the appropriation provided for in this
26 subsection. The authority shall notify the comptroller
27 of the date of the issuance of the bonds or notes.
28 Moneys received by the authority under this subsection
29 shall be used only for the purposes for which the
30 bonds or notes were issued."

31 3. Page 3, by inserting after line 22 the
32 following:

33 " . Before bonds or notes may be issued under
34 this section, the general assembly shall pass a
35 concurrent resolution which authorizes the authority
36 to issue those bonds or notes for the purposes and
37 amount set forth by the authority."

Krewson of Polk moved the adoption of amendment H-5297A.

Cook of Hardin rose on a point of order that amendment H-5297A was not germane.

The Speaker ruled the point well taken and amendment H-5297A not germane.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H-5331 filed by him on March 5, 1982.

Maulsby of Calhoun offered amendment H-5332, filed by Maulsby, et al., as follows:

H-5332

1 Amend House File 2363 as follows:

2 1. Page 2, by inserting after line 7 the following:

3 "e. If a cooperator of a soil conservation district
4 qualifies for cost sharing under a federal program,
5 the cooperator is eligible for a loan request. In
6 granting these requests the authority shall give
7 preference to those with the lower net worths."

Maulsby of Calhoun offered the following amendment H-5402, to amendment H-5332, filed by him from the floor as follows:

H-5402

- 1 Amend amendment H-5332 to House File 2363, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word
- 4 "federal" and inserting in lieu thereof the words
- 5 "state soil conservation cost share".

Amendment H-5402, to amendment H-5332, was adopted.

Maulsby of Calhoun moved the adoption of amendment H-5332, as amended.

Cochran of Webster rose on a point of order that amendment H-5332, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-5332, as amended, germane.

On the motion to adopt amendment H-5332, as amended, a non-record roll call was requested.

The ayes were 77, nays 14.

Amendment H-5332, as amended, was adopted.

Krewson of Polk moved the adoption of amendment H-5297B.

Avenson of Fayette rose on a point of order that amendment H-5297B was not germane.

Avenson of Fayette asked and received unanimous consent to withdraw his point of order on the germaneness of amendment H-5297B.

(House File 2363 and amendment H-5297B pending at adjournment.)

HOUSE CONCURRENT RESOLUTION 131
By Education Appropriations Subcommittee

- 1 *Whereas*, the General Assembly is concerned about
- 2 the proposed federal budget for the fiscal year 1983,
- 3 including the funds available and eligibility for
- 4 federal aid to college and university students; and

5 *Whereas*, the State of Iowa has long demonstrated
6 its commitment to higher education through its support
7 to both students and educational institutions; and

8 *Whereas*, members of the General Assembly are con-
9 cerned that changes in federal funds and eligibility
10 requirements will affect the number of students
11 receiving aid; and

12 *Whereas*, the number of college and university
13 students receiving aid might present a difficult
14 challenge to students and educational institutions and
15 affect the quality of higher education in Iowa; and

16 *Whereas*, students in the process of obtaining degrees,
17 who have minimal flexibility to change goals and plans,
18 might face a particularly difficult challenge in
19 completing their educational goals; and

20 *Whereas*, the State of Iowa, though willing to support
21 student aid programs, needs time to prepare for the transi-
22 tion from federal to state support and does not presently
23 have the resources or the facilities adequate to support
24 a greatly enlarged student aid program; and

25 *Whereas*, given time, the State of Iowa may be able
26 to provide the resources and facilities to adequately
27 administer a greatly enlarged, state supported, student
28 aid program; *Now Therefore*,

29 *Be It Resolved by the House of Representatives, the*
30 *Senate Concurring*, That the General Assembly petitions the

Page 2

1 President of the United States and the Congress of the
2 United States to consider the problem of maintaining
3 student aid programs with a goal of continuing reason-
4 able funding and eligibility requirements, until the
5 State of Iowa has time to study and evaluate the role
6 of the state in student aid programs and to implement
7 an adequate state-supported student aid program; and
8 *Be It Further Resolved*, That copies of this resolu-
9 tion be transmitted to the President of the United
10 States and to each member of the Iowa congressional
11 delegation.

Laid over under Rule 30.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, March 12, 1982. Had I been present, I would have voted "aye" on Senate File 400.

POFFENBERGER of Dallas

PRESENTATION OF VISITORS

Menke of O'Brien presented to the House, Foreign Exchange Student, Susan Milligan of Brisbane, Australia. She is staying with the Adrian Lucas family of Primghar.

The Speaker announced that the following visitors were present in the House chamber:

Girls' basketball team from Estherville High School, Estherville, accompanied by Coach Les Lammers. By Holt of Clay.

Girls' basketball team and cheerleaders from Jefferson Senior High School, Cedar Rapids, accompanied by Coach Mark Tschopp and George Hidinger. By Horn and Running of Linn.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 751 Ways and Means

Relating to the disallowance of certain deductions under sale-leaseback agreements for purposes of the state income and franchise taxes, making the Act retroactive and effective upon publication.

S.B. 752 Ways and Means

Relating to cities and counties issuing revenue bonds for the purpose of providing education loans.

SUBCOMMITTEE ASSIGNMENTS

House File 2 (Reassigned)

Judiciary and Law Enforcement: Smalley, Chair; Welsh and Pelton.

House File 562 (Reassigned)

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Brandt, Carpenter and Doderer.

House File 2429

Appropriations: Shull, Chair; Halvorson of Clayton and Sullivan.

Senate File 578

Cities: Smith, Chair; Clements and Fey.

Senate File 2067

Education: Johnson of Howard, Chair; Petrick and Carl.

Senate File 2088

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Senate File 2118

Education: Maulsby, Chair; Ritsema and Lonergan.

Senate File 2146

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Senate File 2156

Judiciary and Law Enforcement: Poffenberger, Chair; Brandt and Rapp.

Senate File 2157

Transportation: Pellett, Chair; Pavich and Schroeder.

Senate File 2163

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 2172

Commerce: Schroeder, Chair; Johnson of Linn and Chiodo.

Senate File 2182

Commerce: Halvorson of Clayton, Chair; Chiodo and Shull.

Senate File 2201

Transportation: Branstad, Chair; Schnekloth and Woods.

Senate File 2207

State Government: Hoffmann-Bright, Chair; Anderson of Audubon and Brandt.

Senate File 2210

Labor and Industrial Relations: Conlon, Chair; Stueland and Sturgeon.

Senate File 2215

State Government: Carpenter, Chair; Smith and Woods.

Senate File 2216

State Government: Hoffmann-Bright, Chair; Anderson of Audubon, Anderson of Jasper, Brandt, Dieleman, Smith and Trucano.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 604 (Reassigned)**

Appropriations: Hansen of O'Brien, Chair; Harbor and Sullivan.

Study Bill 701 (Reassigned)

Education: Mann, Chair; Holt and Spear.

Study Bill 715

Education: Daggett, Chair; Johnson of Woodbury, Menke, Groth and Norland.

Study Bill 727

Transportation: Mann, Chair; Lind and Oxley.

Study Bill 728

Transportation: Danker, Chair; Lloyd-Jones and Pellett.

Study Bill 729

Transportation: Lind, Chair; Groth and Schnekloth.

Study Bill 730

Transportation: Menke, Chair; Johnson of Woodbury and Oxley.

Study Bill 731

Transportation: Branstad, Chair; Anderson of Jasper and Holt.

Study Bill 734

Education: Daggett, Chair; Holt and Horn.

Study Bill 735

Judiciary and Law Enforcement: Conlon, Chair; Jay and Rosenberg.

Study Bill 737

County Government: Gross, Chair; Pelton, Hall, Binneboese and Branstad.

Study Bill 738

Commerce: Shull, Chair; Hummel, Smith, Welsh and Woods.

Study Bill 739

Transportation: Holt, Chair; Anderson of Jasper and Lageschulte.

Study Bill 742

County Government: Renken, Chair; Hall and Gross.

Study Bill 743

Education: Carpenter, Chair; Holt, Menke, Mann, Ritsema, Connolly, Jay, Norland and Spear.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

House Concurrent Resolution, a concurrent resolution requesting the Governor to include in his Dairy Month Proclamation the fact that milk is the official state beverage of Iowa for the month of June each year.

Fiscal Note is not required.

Recommended **Do Pass**.

Committee Bill (Formerly House File 2055), declaring shattercane (sorghum bicolor) a secondary noxious weed.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON APPROPRIATIONS

House File 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COUNTY GOVERNMENT

Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5404.

Committee Bill (Formerly Study Bill 737, as amended), relating to membership in and the payment of membership dues to the Iowa state association of counties or any other county officer organization.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Committee Bill (Formerly Study Bill 599), to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 734), to authorize the establishment of non-profit foundations by the boards of area schools.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON NATURAL RESOURCES

House File 310, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Fiscal Note is not required.

Committee Action: Failed to Pass.

Study Bill 255, prescribing state land use policy standards and providing a cause of action against a government agency which engages in or is about to engage in conduct unreasonably violating a standard.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

Committee Bill (Formerly Study Bill 591), relating to land preservation.

Fiscal Note is not required.

Recommended **Do Pass.**

AMENDMENTS FILED

H-5398	H.F. 808	Senate Amendment
H-5400	S.F. 26	Avenson of Fayette
H-5401	H.F. 2363	Byerly of Polk
H-5403	S.F. 2100	Harbor of Mills
H-5404	S.F. 396	Committee on County Government
H-5405	H.F. 2442	Spear of Lee
H-5406	H.F. 2435	Spear of Lee
H-5407	H.F. 2438	Rosenberg of Story
H-5408	H.F. 2426	Spear of Lee
H-5409	H.F. 2389	Sturgeon of Woodbury
H-5410	H.F. 2430	Spear of Lee
H-5411	H.F. 2431	Swearingen of Keokuk
H-5412	H.F. 2428	Spear of Lee
H-5413	H.F. 2389	Doderer of Johnson

On motion by Pope of Polk, the House adjourned at 11:52 a.m., until 10:00 a.m., Monday, March 15, 1982.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day—Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 15, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Grace Copley, secretary to the Lieutenant Governor, Des Moines.

The Journal of Friday, March 12, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk, for a portion of the morning, on request of Johnson of Howard; Shull of Warren, for March 15, 16 and 17, 1982, on request of Diemer of Black Hawk; Johnson of Linn, for March 15, 16 and 17, 1982, on request of Lloyd-Jones of Johnson; Walter of Pottawattamie on request of Pavich of Pottawattamie.

BUSINESS PENDING AT ADJOURNMENT

Regular Calendar

The House resumed consideration of **House File 2363**, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, and amendment H—5297B, found on page 812 of the House Journal.

Krewson of Polk called up for consideration amendment H—5297B.

Hummel of Benton rose on a point of order that if amendment H—5297B was adopted, under House Rule 37, House File 2363 would be sent to committee on appropriations.

The Speaker ruled the point not well taken and under Rule 37, House File 2363 need not be sent to committee on appropriations.

Schroeder of Pottawattamie requested further division of amendment H—5297 as follows:

Lines 31 through 37, division C.

Schroeder of Pottawattamie rose on a point of order that amendment H—5297B was not germane.

The Speaker ruled the point not well taken and amendment H—5297B germane.

Krewson of Polk moved the adoption of amendment H—5297B.

A non-record roll call was requested.

The ayes were 18, nays 72.

Amendment H—5297B lost.

Krewson of Polk offered amendment H—5297C and moved its adoption.

Amendment H—5297C lost.

Norland of Worth offered amendment H—5376 filed by Norland, Davitt and Cochran as follows:

H—5376

- 1 Amend House File 2363 as follows:
- 2 1. Page 3, by inserting after line 22 the
- 3 following:
- 4 "Sec. . Chapter 175, Code 1981, is amended
- 5 by adding the following new section:
- 6 **NEW SECTION. CORN STORAGE FACILITY LOAN PROGRAM.**
- 7 1. The authority shall establish a storage facility
- 8 loan program to facilitate the acquisition of storage
- 9 facilities by a farmer who owns or operates
- 10 agricultural land within the state for the purpose
- 11 of storing the farmer's corn on the land. The
- 12 authority may provide this financing under the program
- 13 by direct loans, loans to lenders, and the purchase
- 14 of loans in the manner provided in sections 175.13
- 15 through 175.15, except that the financing pursuant
- 16 to these sections shall not be limited to beginning
- 17 farmers but shall be limited to those farmers who

18 own or operate agricultural land within the state
19 and who intend to and are eligible to participate
20 in the federal three-year corn reserve program.

21 2. In addition to the other conditions and criteria
22 established for the storage facility loan program,
23 the following apply:

24 a. The program and financing provided pursuant
25 to the program is not limited to beginning farmers
26 but shall be limited to those farmers who own or
27 operate agricultural land within the state, who intend
28 to and are eligible to participate in the federal
29 three-year corn reserve program, and who will use
30 the facilities to store their corn on the land they
31 own or operate.

32 b. Loans made pursuant to the program shall not
33 be made to farmers with a net worth greater than eight
34 hundred thousand dollars.

35 c. The amount of any loan made to a farmer under
36 the program shall not exceed seventy-five percent
37 of the total cost of the corn storage facility.

38 3. The authority may issue its bonds and notes
39 for the purposes set forth in subsection 1. Bonds
40 and notes must be authorized by a resolution of the
41 authority. However, the principal amount of bonds
42 and notes outstanding under this section at any time
43 shall not exceed forty million dollars. The authority
44 may enter into a lending agreement or purchase
45 agreement with the bondholders or noteholders
46 containing the terms and conditions of the repayment
47 and security for the bonds or notes. The authority
48 and the bondholders or noteholders may enter into
49 an agreement to provide for any of the items listed
50 in paragraphs a through e of subsection 3 of section

Page 2

1 1 of this Act.

2 4. Subsections 4 and 5 of section 1 of this Act
3 apply to this section to the extent they are
4 consistent."

5 2. Page 4, line 6, by inserting after the word
6 "equipment" the words "or corn storage facilities".

7 3. Page 5, line 2, by inserting after the word
8 "farmers" the words ", acquisition by farmers of corn
9 storage facilities,".

10 4. Page 5, by inserting after line 4 the following:

11 "Sec. . Section 175.17, subsection 1, Code
12 1981, is amended to read as follows:

13 1. The authority may issue its negotiable bonds
14 and notes in principal amounts which, in the opinion
15 of the authority, are necessary to provide sufficient

16 funds for achievement of its corporate purposes, the
17 payment of interest on its bonds and notes, the
18 establishment of reserves to secure its bonds and
19 notes and all other expenditures of the authority
20 incident to and necessary or convenient to carry out
21 its purposes and powers. However, the authority may
22 not have a total principal amount of bonds and notes
23 outstanding at any time in excess of one hundred fifty
24 ninety million dollars. The bonds and notes shall
25 be deemed to be investment securities and negotiable
26 instruments within the meaning of and for all purposes
27 of the uniform commercial code."

28 5. Title page, line 2, by inserting after the
29 word "loan" the words "or a corn storage facility
30 loan".

31 6. Title page, line 4, by inserting after the
32 word "program," the words "increasing the bonding
33 limit of the authority,".

34 7. Renumber as necessary.

Norland of Worth offered the following amendment H—5414, to amendment H—5376, filed by Norland from the floor and moved its adoption:

H—5414

1 Amend amendment H—5376 to House File 2363 as
2 follows:

3 1. Page 1, line 20, by inserting after the word
4 "program," the words "In addition under the program,
5 the authority may enter into a loan agreement with
6 the owner or operator to finance in whole or in part
7 the acquisition of corn storage facilities. The
8 repayment obligation of the owner or operator may
9 be unsecured, or may be secured by a mortgage or
10 security agreement or by other security as the
11 authority deems advisable, and may be evidenced by
12 one or more notes of the owner or operator. The loan
13 agreement may contain terms and conditions as the
14 authority deems advisable."

Amendment H—5414, to amendment H—5376, was adopted.

Norland of Worth moved the adoption of amendment H—5376, as amended.

Anderson of Audubon rose on a point of order that amendment H—5376, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5376, as amended, not germane.

Norland of Worth moved that the rules be suspended to adopt amendment H—5376, as amended.

Roll call was requested by Norland of Worth and Cochran of Webster.

On question "Shall the rules be suspended to adopt amendment H—5376, as amended?"

The ayes were, 40:

Arnould	Avenson	Baxter	Brandt
Bruner	Byerly	Carl	Chiodo
Cochran	Connolly	Connors	Davitt
Dieleman	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Knapp	Lloyd-Jones
Lonergan	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Welsh	Woods

The nays were, 48:

Anderson, J.	Bennett	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, W.	Krewson	Lageschulte	Lind
Mann	McKean	Menke	Mullins
Pellet	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Smith	Stueland	Swearingen	Trucano
Tyrrell	Van Maanen	Weiden	Mr. Speaker

Absent or not voting, 11:

Anderson, R.	Binneboese	Branstad	Doderer
Johnson, R.	Maulsby	Pelton	Shull
Smalley	Tofte	Walter	

The motion lost.

HOUSE FILE 2363 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2363 be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

House File 2395, a bill for an act providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state, with report of committee recommending passage was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Maulsby of Calhoun, for the remainder of the day, on request of Tyrrell of Iowa; Doderer of Johnson on request of Arnould of Scott.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2395)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Corey	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, W.	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Mann	McKean	Menke
Mullins	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Smalley
Smith	Spear	Stueland	Sturgeon

Sullivan
Trucano
Woods

Swartz
Tyrrell
Mr. Speaker

Swearingen
Van Maanen

Tofte
Welsh

The nays were, 9:

Cook
Knapp
Welden

Crabb
Lind

Egenes
O'Kane

Hummel
Schroeder

Absent or not voting, 8:

Binneboese
Norland

Doderer
Pelton

Johnson, R.
Shull

Maulsby
Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 2412 AND 2415 DEFERRED

Pope of Polk asked and received unanimous consent that House Files 2412 and 2415 be deferred and that the bills retain their place on the calendar.

Regular Calendar

House File 2397, a bill for an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the secretary of state and allowing the secretary of state to appoint as a notary public a resident of a border state working in Iowa, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk offered the following amendment H—5290 filed by Carpenter, et al., and moved its adoption:

H—5290

- 1 Amend House File 2397 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 "Iowa," the words "of the county of".

Amendment H—5290 was adopted.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2397)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 10:

Binneboese	Byerly	Doderer	Harbor
Johnson, J.	Johnson, R.	Maulsby	Pelton
Shull	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2282 WITHDRAWN

Pavich of Pottawattamie asked and received unanimous consent to withdraw House File 2282 from further consideration by the House.

House File 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law, with report of committee recommending passage was taken up for consideration.

Byerly of Polk offered the following amendment H—5320 filed by him and moved its adoption:

H—5320

- 1 Amend House File 2398 as follows:
- 2 1. Page 1, line 14, by striking the words "one
- 3 thousand" and inserting in lieu thereof the words
- 4 "seven hundred fifty".

A non-record roll call was requested.

The ayes were 51, nays 36.

Amendment H—5320 was adopted.

HOUSE FILE 2398 DEFERRED

Smalley of Polk asked and received unanimous consent that House File 2398 be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER TABLED (House File 2218)

Clark of Lee called up for consideration the motion to reconsider House File 2218, filed on March 4, 1982, and moved to reconsider the vote by which **House File 2218**, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty, passed the House on March 4, 1982.

Horn of Linn moved to table the motion to reconsider House File 2218.

A non-record roll call was requested.

The ayes were 65, nays 15.

The motion to table prevailed, placing out of order the motion to reconsider filed by Trucano of Polk on March 4, 1982 and amendment H-5343 filed by Schroeder of Pottawattamie on March 8, 1982.

INTRODUCTION OF BILLS

House File 2466, by committee on county government, a bill for an act relating to the jurisdiction of county conservation employees who are peace officers.

Read first time and **placed on the calendar.**

House File 2467, by committee on county government, a bill for an act relating to membership in and the payment of membership dues to the Iowa state association of counties or any other county officer organization.

Read first time and **placed on the calendar.**

SENATE MESSAGES CONSIDERED

Senate File 2195, by committee on commerce, a bill for an act relating to financial transactions involving the payment of interest.

Read first time and referred to committee on **commerce.**

Senate File 2219, by committee on county government, a bill for an act authorizing a county having a population of two hundred fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon publication.

Read first time and referred to committee on **county government.**

HOUSE CONCURRENT RESOLUTION 132

By Fey

- 1 Whereas, on June 20, 1782, the United State Congress
- 2 adopted the American Bald Eagle as a symbol of our nation;
- 3 and
- 4 Whereas, the American Bald Eagle was so adopted

5 because of its reputed strength and single-minded
6 commitment to the protection of its young and the defense
7 of its home; and
8 *Whereas*, the American public has adopted the American
9 Bald Eagle as its symbol of strength, courage, determination,
10 and beauty; and
11 *Whereas*, the seals of twelve states and the District of
12 Columbia bear the image of the American Bald Eagle; and
13 *Whereas*, human encroachment on the American Bald Eagle's
14 natural habitat has resulted in the designation of the
15 American Bald Eagle as an endangered species throughout most
16 of the United States; and
17 *Whereas*, federal, state, and local governments and private
18 wildlife conservation groups have adopted programs in recent
19 years to increase the number of American Bald Eagles and to
20 propagate nesting pairs in a greater area of the United
21 States; and
22 *Whereas*, the celebration of the bicentennial Year of the
23 Eagle and National Wildlife Week will serve to inform people
24 on the current plight of our country's living symbol with the
25 theme "We Care About Eagles"; and
26 *Whereas*, this celebration will focus attention on the
27 spirit and the pride signified by the American Bald Eagle; and
28 *Whereas*, this celebration should be conducted in a manner
29 that encourages additional efforts to keep the American
30 Bald Eagle as the flying symbol of freedom; *Now Therefore*,

Page 2

1 *Be It Resolved by the House of Representatives, the*
2 *Senate Concurring*, That the year 1982 is recognized as
3 the bicentennial Year of the Eagle, and June 20, 1982 is
4 recognized as Bald Eagle Day, and the week of March 14 to
5 March 20, 1982 is recognized as National Wildlife Week.

Laid over under Rule 30.

SPONSORS ADDED
(House Joint Resolution 2002)

Mann of Greene requested to be added as a sponsor of House
Joint Resolution 2002.

(House Joint Resolution 2002)

Maulsby of Calhoun requested to be added as a sponsor of House
Joint Resolution 2002.

(House Joint Resolution 2002)

Tyrrell of Iowa requested to be added as a sponsor of House Joint Resolution 2002.

(House Joint Resolution 2002)

Pellett of Cass requested to be added as a sponsor of House Joint Resolution 2002.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of March, 1982: House File 2336.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 12, 1982, he approved and transmitted to the Secretary of State the following bill:

House File 2336, an act relating to adjustments to appropriations for the 1981-1983 fiscal period, including provisions affecting the expenditure of funds and reversions and certain fees.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, March 12, 1982. Had I been present, I would have voted "aye" on House Files 2336, 2396 and Senate Files 400, 579 and 2101.

DIELEMAN of Marion

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighteen Student Council members from Central High School, DeWitt, accompanied by Gene Kastler and Bob Canaday. By Stueland of Clinton.

Six students from Muscatine High School, Muscatine, accompanied by Mrs. Dreibelbeis and Mrs. Murdock. By Hoffmann-Bright of Muscatine.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

DEPARTMENT OF ENVIRONMENTAL QUALITY

The 1981 Annual Report for the Department of Environmental Quality, pursuant to Chapter 455B.5 (6), Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

The preliminary annual and fourth quarter Uniform Crime Report comparison for 1981, pursuant to Chapter 692.15, Code of Iowa.

TREASURER OF STATE

The annual report on the condition of the State of Iowa Treasury for the period beginning July 1, 1979 and ending June 30, 1980, pursuant to Chapter 12.17, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- | | |
|---------|---------------------------------------------------------------------------|
| 1982-9 | Sioux City Musketeers Hockey Club — United States Hockey League title |
| 1982-10 | Lisbon High School Wrestlers — 1982 Class 1A State Wrestling Championship |
| 1982-11 | Ames High School Swimming Team — 1982 State Swimming Crown |

ELIZABETH A. ISAACSON
Chief Clerk of the House

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 753 Ways and Means

Relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

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
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5419.

AMENDMENTS FILED

H-5415	H.F. 2435	Hummel of Benton
H-5416	H.F. 2439	Hummel of Benton
H-5417	H.F. 808	Lind of Black Hawk
H-5418	H.F. 2448	Tyrrell of Iowa
		Hanson of Delaware
		Pellett of Cass
H-5419	S.F. 464	Committee on
		Appropriations
H-5420	S.F. 2157	Lind of Black Hawk
H-5421	H.F. 2436	Poffenberger of Dallas
H-5422	H.F. 2436	Rapp of Black Hawk
		Conlon of Muscatine
H-5423	H.F. 2462	Tyrrell of Iowa
H-5424	H.F. 2438	Poffenberger of Dallas
H-5425	H.F. 2435	Poffenberger of Dallas

H-5426	H.F. 2435	Spear of Lee
H-5427	H.F. 2462	Spear of Lee
H-5428	H.F. 2398	Hummel of Benton
H-5429	H.F. 2443	Hummel of Benton
H-5430	S.C.R. 102	Clements of Scott
H-5431	H.C.R. 130	De Groot of Lyon
H-5432	H.F. 2363	Branstad of Winnebago
		Cochran of Webster
H-5433	H.F. 2430	Lind of Black Hawk
H-5434	H.F. 2442	Brandt of Black Hawk

On motion by Pope of Polk, the House adjourned at 12:17 p.m., until 10:00 a.m., Tuesday, March 16, 1982.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day—Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 16, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Gerald Vander Velde, pastor of the First Reformed Church, Hull.

The Journal of Monday, March 15, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. H. Coddington, Humboldt.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Jasper, for a portion of the day, on request of Avenson of Fayette.

SENATE MESSAGE CONSIDERED

Senate File 2194, by committee on county government, a bill for an act restricting the burning of vegetation within rights-of-way of public roads and other public land and to provide a penalty for violations.

Read first time and referred to committee on **transportation**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 119, providing that the week of March 7 through 13, 1982 be recognized by the General Assembly as "Women's History Week".

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 759, a bill for an act relating to the number of years city records are required to be kept.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2358, a bill for an act relating to the regulation of insurance to the extent of amending or repealing provisions in Code sections to provide for the regulation of the investments of insurance companies.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2019, a bill for an act relating to grave markers for veterans.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2162, a bill for an act to prohibit the shooting of a shotgun with rifled slugs over public waters or public highways.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2223, a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

Also: That the Senate has on March 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2238, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township.

K. MARIE THAYER, Secretary

HOUSE FILE 2363 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent that House File 2363 be temporarily deferred and that the bill retain its place on the calendar.

HOUSE FILES 2412 AND 2415 DEFERRED

Pope of Polk asked and received unanimous consent that House Files 2412 and 2415 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2398**, a bill for an act relating to a penalty for taking certain game and fish in violation of law.

Hummel of Benton offered the following amendment H—5428 filed by him and moved its adoption:

H—5428

- 1 Amend House File 2398 as follows:
- 2 1. Page 1, by striking lines 1 through 10.
- 3 2. Title page, lines 1 and 2, by striking the
- 4 words "and fish".
- 5 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 63.

Amendment H—5428 lost.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2398)

The ayes were, 90:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer

Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Holt
Horn	Howell	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 3:

Hoffmann-Bright	Hummel	Schroeder
-----------------	--------	-----------

Absent or not voting, 6:

Anderson, R.	Byerly	Carpenter	Johnson, R.
Shull	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2424, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemptions from property taxes for certain tax years, with report of committee recommending passage was taken up for consideration.

Diemer of Black moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2424)

The ayes were, 81:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad

Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Crabb	Daggett	Danker	Davitt
Dieleman	Diemer	Doderer	Fey
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Menke
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Rosenberg	Running	Schroeder	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Welsh	Woods
Mr. Speaker			

The nays were, 14:

Cook	Corey	De Groot	Egenes
Gettings	Johnson, W.	Maulsby	McKean
Mullins	Pelton	Ritsema	Schnekloth
Van Maanen	Welden		

Absent or not voting, 4:

Anderson, R.	Johnson, R.	Shull	Walter
--------------	-------------	-------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

The House resumed consideration of **House File 2363**, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments.

Branstad of Winnebago offered amendment H—5432 filed by Branstad and Cochran as follows:

H—5432

1 Amend House File 2363 as follows:

- 2 1. Page 5, by inserting after line 4 the following:
3 "Sec. . Section 422.43, Code 1981, is amended
4 by adding the following new unnumbered paragraph:
5 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
6 rate of tax of three percent imposed under other
7 provisions of this section and section 423.2, there
8 is imposed a tax at the rate of only one percent under
9 this section and section 423.2 on the gross receipts
10 from the sale of all foods for human consumption which
11 are eligible for purchase with food coupons issued
12 by the United States department of agriculture pursuant
13 to regulations in effect on July 1, 1974, regardless
14 of whether the retailer from which the foods are
15 purchased is participating in the food stamp program.
16 However, as used in this paragraph, "food" does not
17 include meals prepared for immediate consumption on
18 or off the premises of the retailer, and does not
19 include foods sold through vending machines.
20 Sec. . Section 422.45, subsection 12, Code
21 1981, is amended to read as follows:
22 12. Gross receipts from the sale of all foods
23 for human consumption which are eligible for purchase
24 and are purchased with food coupons issued by the
25 United States department of agriculture pursuant to
26 regulations in effect on July 1, 1974, regardless
27 of whether the retailer from which the foods are
28 purchased is participating in the food stamp program.
29 However, as used in this subsection, "foods" does
30 not include meals prepared for immediate consumption
31 on or off the premises of the retailer, and does not
32 include foods sold through vending machines.
33 Sec. . Section 467A.48, Code 1981, is amended
34 by adding the following new unnumbered paragraph:
35 **NEW UNNUMBERED PARAGRAPH.** Beginning with the
36 fiscal year beginning July 1, 1983, there is
37 appropriated annually from the state general fund
38 to a special account in the treasurer of state's
39 office to be used to provide public cost-sharing funds
40 pursuant to this section an amount equal to the
41 revenues received in the preceding fiscal year from
42 the taxes imposed under sections 422.43 and 423.2
43 on the gross receipts from the sale of all foods for
44 human consumption which are eligible for purchase
45 with food coupons issued by the United States
46 department of agriculture pursuant to regulations
47 in effect on July 1, 1974, regardless of whether the
48 retailer from which the foods are purchased is
49 participating in the food stamp program. However;
50 as used in this paragraph, "food" does not include

Page 2

- 1 meals prepared for immediate consumption on or off
- 2 the premises of the retailer, and does not include
- 3 foods sold through vending machines."
- 4 2. Title page, line 4, by inserting after the
- 5 word "program" the words ", imposing a tax on the
- 6 sale of certain foods for human consumption under
- 7 the state sales, services and use tax and appropriating
- 8 the revenues to provide public cost-sharing funds
- 9 for soil conservation purposes".
- 10 3. By renumbering as necessary.

Anderson of Audubon rose on a point of order that amendment H-5432 was not germane.

The Speaker ruled the point well taken and amendment H-5432 not germane.

MOTION TO RECONSIDER PREVAILED
(Amendment H-5233B to House File 2363)

Swearingen of Keokuk called up for consideration the motion to reconsider amendment H-5233B, to House File 2363, filed on March 3, 1982, and moved to reconsider the vote by which amendment H-5233B was adopted by the House on March 3, 1982.

A non-record roll call was requested.

The ayes were 49, nays 41.

The motion prevailed and the House reconsidered amendment H-5233B found on page 592 of the House Journal.

The House stood at ease at 10:53 a.m., until the fall of the gavel.

The House resumed session at 11:24 a.m., Speaker Stromer in the chair.

Byerly of Polk offered the following amendment H-5401, to amendment H-5233B, filed by him and moved its adoption:

H-5401

- 1 Amend amendment H-5233 to House File 2363 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "five"
- 4 and inserting in lieu thereof the word "eight".

Roll call was requested by Groth of Buena Vista and Davitt of Warren.

Rule 80 was invoked.

On the question "Shall amendment H—5401, to amendment H—5233B, be adopted?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Clements	Cochran
Conlon	Connolly	Connors	Davitt
Dieleman	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Howell
Jay	Jochum	Knapp	Lloyd-Jones
Loneragan	Mullins	Norland	O'Kane
Pavich	Pelton	Rapp	Renaud
Rosenberg	Running	Smalley	Spear
Sturgeon	Sullivan	Swartz	Tofte
Tyrrell	Welsh	Woods	

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Johnson, J.
Johnson, W.	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Oxley	Pellett	Petrick	Poffenberger
Poncy	Pope	Renken	Ritsema
Schnekloth	Schroeder	Smith	Stueland
Swearingen	Trucano	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 3:

Johnson, R.	Shull	Walter
-------------	-------	--------

Amendment H—5401, to amendment H—5233B, lost.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—5333 filed by him on March 5, 1982.

Davitt of Warren moved the adoption of amendment H—5233B.

Roll call was requested by Davitt of Warren and Dieleman of Marion.

On the question "Shall amendment H—5233B be adopted?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Cochran	Connolly	Connors
Davitt	Dieleman	Doderer	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Howell	Jay	Jochum	Johnson, J.
Knapp	Krewson	Lloyd-Jones	Lonergan
Mann	Mullins	Norland	O'Kane
Pavich	Rapp	Renaud	Rosenberg
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Welsh	Woods

The nays were, 52:

Anderson, J.	Bennett	Branstad	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Johnson, W.	Lageschulte
Lind	Maulsby	McKean	Menke
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renken
Ritsema	Schnekloth	Schroeder	Smith
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, 3:

Johnson, R.	Shull	Walter
-------------	-------	--------

Amendment H—5233B lost.

MOTION TO RECONSIDER PREVAILED
(Amendment H—5231A to House File 2363)

Cochran of Webster called up for consideration the motion to reconsider amendment H—5231A, to House File 2363, filed on March 2, 1982, and moved to reconsider the vote by which amendment H—5231A failed to be adopted by the House on March 2, 1982.

The motion prevailed and the House reconsidered amendment H—5231A found on page 592 of the House Journal.

Cochran of Webster moved the adoption of amendment H—5231A.

Amendment H—5231A was adopted.

Anderson of Audubon asked and received unanimous consent to withdraw amendments H—5324 and H—5326 filed by Anderson of Audubon, Pellett and Cook on March 4, 1982.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2363)

The ayes were, 79:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, W.
Knapp	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renken	Ritsema	Rosenberg
Schneklath	Schroeder	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Mr. Speaker	

The nays were, 17:

Brandt	Byerly	Connolly	Connors
Diemer	Doderer	Jochum	Krewson
Lloyd-Jones	O'Kane	Pavich	Pelton
Renaud	Running	Smalley	Tofte
Woods			

Absent or not voting, 3:

Johnson, R.

Shull

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN (House File 2403)

Connors of Polk, Renaud of Polk and Krewson of Polk asked and received unanimous consent to withdraw their motions to reconsider House File 2403, filed on March 11, 1982.

UNANIMOUS CONSENT TO VOTE

By unanimous consent, Connors of Polk was recorded as voting "aye" on House Files 2398 and 2424.

INTRODUCTION OF BILLS

House File 2468, by committee on commerce, a bill for an act relating to judicial review and appeals of rate-regulatory decisions of the commerce commission.

Read first time and placed on the calendar.

House File 2469, by committee on transportation, a bill for an act relating to requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways.

Read first time and placed on the calendar.

House File 2470, by committee on judiciary and law enforcement, a bill for an act relating to the designation of the attorney or attorneys employed by a fiduciary in the administration of an estate.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 2019, by Doyle, a bill for an act relating to grave markers for veterans.

Read first time and referred to committee on **county government**.

Senate File 2221, by committee on agriculture, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Read first time and referred to committee on **agriculture**.

Senate File 2223, by committee on judiciary, a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate.

Read first time and **passed on file**.

Senate File 2232, by committee on judiciary, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2238, by committee on county government, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

Read first time and referred to committee on **county government**.

MOTION TO RECONSIDER
(House File 2363)

I move to reconsider the vote by which House File 2363 passed the House on March 16, 1982.

ANDERSON of Audubon

SPONSOR ADDED
(House Joint Resolution 2002)

Smalley of Polk requested to be added as a sponsor of House Joint Resolution 2002.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Senate File 536, a bill for an act relating to multidisciplinary team access to child abuse information.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 275, a bill for an act requiring the sentencing judge and the prosecuting attorney to provide the board of parole with certain information.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5438.

Senate File 488, a bill for an act authorizing the department of social services to establish a sales bonus program for the sale of prison industry products.

Fiscal Note is required.

Recommended Do Pass.

Senate File 2163, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2192, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5436.

Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

Fiscal Note is required.

Recommended Do Pass.

COMMITTEE ON TRANSPORTATION

Senate File 2201, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H—5435	H.F. 2439	Schroeder of Pottawattamie
H—5436	S.F. 2192	Committee on Judiciary and Law Enforcement
H—5437	H.F. 2450	Connolly of Dubuque
H—5438	S.F. 275	Committee on Judiciary and Law Enforcement
H—5439	H.F. 2442	Doderer of Johnson Smalley of Polk Trucano of Polk Poffenberger of Dallas Welsh of Dubuque Conlon of Muscatine Rapp of Black Hawk Halvorson of Clayton Brandt of Black Hawk Lageschulte of Bremer Ritsema of Sioux
H—5440	H.F. 2220	
H—5441	H.F. 2393	
H—5442	H.F. 2426	

H-5443	H.F. 2426	Welsh of Dubuque
H-5444	H.F. 2439	Hummel of Benton
H-5445	S.F. 393	Clark of Cerro Gordo
H-5446	H.F. 2443	Poffenberger of Dallas
H-5447	H.F. 2426	Ritsema of Sioux
H-5448	H.F. 2439	Schroeder of Pottawattamie
		Smith of Scott
		Harbor of Mills

On motion by Pope of Polk, the House adjourned at 12:50 p.m., until 10:00 a.m., Wednesday, March 17, 1982.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day—Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 17, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father John W. Stark, pastor of St. Patrick's Catholic Church, Tama.

The Journal of Tuesday, March 16, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Eugene Ritter, Centerville.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Pavich of Pottawattamie.

SENATE MESSAGE CONSIDERED

Senate File 2162, by Vande Hoef, Tieden, Dreeszen, Taylor, Miller of Cerro Gordo, Gallagher and Priebe, a bill for an act to prohibit the shooting of a shotgun with rifled slugs on or over public highways of the state.

Read first time and referred to committee on **natural resources**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel

distributors to receive a certain percentage of ethanol, and providing a penalty.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS

Regular Calendar

House File 2426, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H-5442 filed by him and moved its adoption:

H-5442

- 1 Amend House File 2426 as follows:
- 2 1. Page 1, line 17, by striking the words
- 3 "person, who" and inserting in lieu thereof the
- 4 words "person who,".
- 5 2. Page 3, line 4, by striking the word
- 6 "documentattion" and inserting in lieu thereof
- 7 the word "documentation".
- 8 3. Page 8, line 2, by striking the word "and"
- 9 and inserting in lieu thereof the word "as".

Amendment H-5442 was adopted.

Ritsema of Sioux offered amendment H-5447 filed by him as follows:

H-5447

- 1 Amend House File 2426 as follows:
- 2 1. Page 5, line 26, by inserting after the
- 3 word "willing" the words "and able".
- 4 2. Page 5, line 33, by striking the word
- 5 "may" and inserting in lieu thereof the word "shall".

Menke of O'Brien requested division of amendment H-5447 as follows:

Lines 2 and 3, division A.

Lines 4 and 5, division B.

Ritsema of Sioux moved the adoption of amendment H—5447A.

Amendment H—5447A was adopted.

Ritsema of Sioux moved the adoption of amendment H—5447B.

Amendment H—5447B was adopted.

Poffenberger of Dallas offered the following amendment H—5358 filed by her and moved its adoption:

H—5358

1 Amend House File 2426 as follows:

2 1. Page 9, by striking lines 19 through 21 and
3 inserting in lieu thereof the words "the court may
4 order that the respondent be taken into immediate
5 custody as provided by section 8 of this Act and,
6 following notice and hearing held in accordance with
7 the procedures of sections 4 and 9 of this Act, may
8 order the respondent treated as a patient requiring
9 full-time custody, care, and treatment as provided
10 in subsection 2, and may order the respondent
11 involuntarily committed to a facility."

12 2. Page 10, lines 8 and 9, by striking the words
13 "on the grounds set forth in" and inserting in lieu
14 thereof the words "pursuant to an application under".
15 3. Page 10, line 16, by striking the words "on
16 the grounds set forth in" and inserting in lieu thereof
17 the words "pursuant to an application under".

18 4. Page 11, by striking lines 31 through 34, and
19 inserting in lieu thereof the words "full-time custody,
20 care, and treatment in a facility, and the respondent
21 is willing to be admitted voluntarily to the facility
22 for these purposes, the court may enter an order
23 approving the placement upon consultation with the
24 administrator of the facility in which the respondent
25 is to be placed. If the respondent is unwilling to
26 be admitted voluntarily to the facility, the procedure
27 for determining involuntary commitment, as provided
28 in section 11, subsection 3 of this Act, shall be
29 followed."

Amendment H—5358 was adopted.

Welsh of Dubuque offered the following amendment H—5443 filed by him and moved its adoption:

H-5443

- 1 Amend House File 2426 as follows:
- 2 1. Page 14; by striking line 8 and inserting
- 3 in lieu thereof the following: "detained as soon as
- 4 possible and no later than twelve o'clock noon of
- 5 the same day".

A non-record roll call was requested.

The ayes were 53, nays 37.

Amendment H-5443 was adopted.

Spear of Lee offered the following amendment H-5408 filed by him and moved its adoption:

H-5408

- 1 Amend House File 2426 as follows:
- 2 1. Page 18, line 1, by inserting after the word
- 3 "intoxication" the words and figure "under section
- 4 123.46, if applicable".

Amendment H-5408 was adopted.

Spear of Lee offered the following amendment H-5372 filed by him and moved its adoption:

H-5372

- 1 Amend House File 2426 as follows:
- 2 1. Page 18, by striking lines 15 and 16, and
- 3 inserting in lieu thereof the following:
- 4 "3. A person who comes voluntarily or is brought
- 5 to arrives at a facility and voluntarily submits to
- 6 examination shall be examined by a licensed physician
- 7 as soon".
- 8 2. Page 18, by striking line 18 and inserting
- 9 in lieu thereof the words "comes voluntarily or is
- 10 brought to arrives at the facility. He The".

Amendment H-5372 was adopted.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2426)

The ayes were, 89:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Corey
Crabb	Danker	De Groot	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 10:

Anderson, R.	Carpenter	Connors	Daggett
Davitt	Dieleman	Johnson, R.	Shull
Walter	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2367 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 2367 from further consideration by the House.

House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings, with report of committee recommending passage was taken up for consideration.

Lind of Black Hawk offered the following amendment H—5433 filed by him and moved its adoption:

H—5433

1 Amend House File 2430, as follows:

2 1. Page 1, by striking lines 7 through 12, and
3 inserting in lieu thereof the following: "employment,
4 a sibling, parent, lodge or club fellow member,
5 friend or neighbor who obtains information by reason
6 of the person's personal affiliation, or a minister
7 of the gospel or priest of any denomination shall not
8 be allowed, in giving testimony, to disclose any
9 confidential communication properly entrusted to him
10 the person in his the person's professional capacity;
11 or personal affiliation and necessary and proper to
12 enable him the person to discharge the functions of
13 his the person's office or personal affiliation
14 according to the".

A non-record roll call was requested.

The ayes were 38, nays 53.

Amendment H—5433 lost.

Spear of Lee offered the following amendment H—5410 filed by him and moved its adoption:

H—5410

1 Amend House File 2430 as follows:

2 1. Page 2, line 12, by inserting after the word
3 "means" the words "individuals working within the
4 mental health field who are".

A non-record roll call was requested.

The ayes were 30, nays 58.

Amendment H—5410 lost.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2430)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker

The nays were, 2:

Mann Smalley

Absent or not voting, 5:

Brandt	Johnson, R.	Shull	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2431, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts, with report of committee recommending passage was taken up for consideration.

Swearingen of Keokuk offered the following amendment H—5369 filed by him and moved its adoption:

H—5369

- 1 Amend House File 2431 as follows:
- 2 1. Page 2, line 31, by striking the word "second"
- 3 and inserting in lieu thereof the words "second first".

Amendment H—5369 was adopted.

Swearingen of Keokuk offered the following amendment H—5411 filed by him and moved its adoption:

H—5411

- 1 Amend House File 2431 as follows:
- 2 1. Page 3, by inserting after line 6 the following:
- 3 "Sec. . Section 331.209, Code 1981 Supplement,
- 4 is amended by adding the following new subsection:
- 5 NEW SUBSECTION. Each county board shall notify
- 6 the state commissioner whenever the boundaries of
- 7 supervisor districts are changed and shall provide
- 8 a map delineating the new boundary lines. Upon failure
- 9 of a county board to make the required changes by
- 10 the dates specified by this section, the state
- 11 commissioner shall make or cause to be made the
- 12 necessary changes as soon as possible, and shall
- 13 assess to the county the expenses incurred in so
- 14 doing. The state commissioner may request the services
- 15 of personnel and materials available to the legislative
- 16 service bureau to assist the state commissioner in
- 17 making any required changes in supervisor district
- 18 boundaries which become the state commissioner's
- 19 responsibility."
- 20 2. Amend the title, line 2, by inserting after
- 21 the word "districts" the words "and requiring maps
- 22 of supervisor districts to be filed with the state
- 23 commissioner of elections".
- 24 3. Renumber as necessary.

Amendment H—5411 was adopted.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2431)

The ayes were, 94:

Anderson, J.
Baxter

Anderson, R.
Bennett

Arnould
Binneboese

Avenson
Brandt

Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Schroeder	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 5:

Hall	Howell	Johnson, R.	Shull
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2432, a bill for an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election, with report of committee recommending passage was taken up for consideration.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2432)

The ayes were, 88:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker

The nays were, 7:

Clements	Conlon	Mann	Maulsby
Schroeder	Smalley	Welsh	

Absent or not voting, 4:

Harbor	Johnson, R.	Shull	Walter
--------	-------------	-------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2435, a bill for an act relating to shooting ranges, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5406 filed by him as follows:

H—5406

- 1 Amend House File 2435 as follows:
- 2 1. Page 1, by striking lines 1 through 4 and
- 3 inserting in lieu thereof the following:

- 4 "Section 1. NEW SECTION. After a domestic
- 5 corporation acquires property to establish, use, and
- 6 maintain a shooting range, and after the property
- 7 and range are permanently".

(House File 2435 and amendment H—5406 pending at recess.)

On motion by Pope of Polk, the House recessed at 11:35 a.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILL

House File 2471, by committee on natural resources, a bill for an act to establish a land preservation policy and organizations and procedures to implement that policy.

Read first time and placed on the calendar.

SENATE MESSAGE CONSIDERED

Senate File 2091, by committee on transportation, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty.

Read first time and referred to committee on ways and means.

HOUSE FILE 2406 REREFERRED

The Speaker announced that House File 2406, presently on the regular calendar was rereferred to the committee on appropriations.

BUSINESS PENDING AT RECESS

Regular Calendar

The House resumed consideration of **House File 2435**, a bill for an act relating to shooting ranges, and amendment H—5406 found on pages 860 and 861 of the House Journal.

Spear of Lee moved the adoption of amendment H—5406.

Amendment H—5406 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd, for the remainder of the afternoon, on request of Dieleman of Marion.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5415 filed by him on March 15, 1982, placing out of order amendment H—5426 filed by Spear of Lee on March 15, 1982.

Poffenberger of Dallas offered amendment H—5425 filed by her as follows:

H—5425

- 1 Amend House File 2435 as follows:
- 2 1. Page 1, by inserting after line 9, the following:
- 3 "Sec. . NEW SECTION. The conservation commission
- 4 shall promulgate rules which shall deal with the
- 5 placement of buildings, breastworks, ramparts or other
- 6 works in relationship to adjoining property. In addition,
- 7 these rules shall state the height and width of
- 8 breastworks, ramparts or other works. These rules
- 9 shall have as their paramount consideration, the
- 10 protection of the adjoining landowners."

Poffenberger of Dallas offered the following amendment H—5461, to amendment H—5425, filed by her from the floor and moved its adoption:

H—5461

- 1 Amend amendment H—5425 to House File 2435 as follows:
- 2 1. Page 1, by adding after line 10, the following:
- 3 "Sec. . NEW SECTION. The property which is owned by
- 4 a domestic corporation for the purpose of sharpshooting
- 5 shall not be located within the corporate limits of a
- 6 city unless the city shall adopt by ordinance such
- 7 enabling legislation."

Amendment H—5461, to amendment H—5425, was adopted.

Poffenberger of Dallas called up for consideration amendment H—5425, as amended.

Byerly of Polk rose on a point of order that amendment H—5425, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H—5425, as amended, germane.

Poffenberger of Dallas moved the adoption of amendment H—5425, as amended.

A non-record roll call was requested.

The ayes were 9, nays 69.

Amendment H—5425, as amended, lost.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2435)

The ayes were, 69:

Anderson, R.	Arnould	Avenson	Baxter
'Binneboese	Brandt	Branstad	Bruner
Byerly	Chiodo	Clark, B. J.	Clements
Conlon	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Fey
Gettings	Gross	Groth	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Jay	Jochum
Johnson, J.	Lageschulte	Lind	Mann
Maulsby	Menke	Norland	Pavich
Petrick	Poncy	Pope	Rapp
Renaud	Renken	Rosenberg	Running
Schneklloth	Schroeder	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 26:

Anderson, J.	Bennett	Carl	Carpenter
Clark, J. H.	Cochran	Connolly	Doderer
Hall	Halvorson, R. N.	Hummel	Johnson, R.
Johnson, W.	Knapp	Krewson	Lloyd-Jones
Loneragan	McKean	Mullins	O'Kane
Oxley	Pellett	Pelton	Poffenberger
Ritsema	Sturgeon		

Absent or not voting, 4:

Egenes	Howell	Shull	Walter
--------	--------	-------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2 WITHDRAWN

Avenson of Fayette asked and received unanimous consent to withdraw House File 2 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cochran of Webster, for the remainder of the day, on request of Holt of Clay.

CONSIDERATION OF BILL Regular Calendar

House File 2436, a bill for an act to provide a four-year statute of limitations for actions founded upon a violation of rights protected by the Constitution of the United States, Constitution of the State of Iowa, federal statute, or state statute, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas asked and received unanimous consent to defer action on amendment H—5421.

Rapp of Black Hawk offered the following amendment H—5422 filed by Rapp and Conlon and moved its adoption:

H—5422

1 Amend House File 2436 as follows:

2 1. Page 1, by striking lines 3 through 8 and

- 3 inserting in lieu thereof the following:
- 4 "NEW SUBSECTION. 10. ACTIONS BASED ON 42
- 5 U.S.C. § 1983. Those brought pursuant to 42
- 6 United States Code § 1983, within two years."

(House File 2436 and amendment H—5422 pending at adjournment.)

MOTION TO RECONSIDER (House File 2430)

I move to reconsider the vote by which House File 2430 passed the House on March 17, 1982.

LIND of Black Hawk

SPONSORS ADDED (House Joint Resolution 2002)

Johnson of Linn requested to be added as a sponsor of House Joint Resolution 2002.

(House Concurrent Resolution 121)

Baxter of Des Moines requested to be added as a sponsor of House Concurrent Resolution 121.

(House Concurrent Resolution 121)

Spear of Lee requested to be added as a sponsor of House Concurrent Resolution 121.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 17, 1982, for a short period of time. Had I been present, I would have voted "aye" on House File 2426.

DIELEMAN of Marion

I was necessarily absent from the House chamber on Monday, March 15, 1982. Had I been present, I would have voted "aye" on House Files 2395 and 2397.

MAULSBY of Calhoun

I was necessarily absent from the House chamber on Monday morning, March 15, 1982, Tuesday morning, March 16, 1982 and Wednesday morning, March 17, 1982. Had I been present, I would have voted "aye" on House Files 2363, 2395, 2397, 2398, 2424, 2426, 2430, 2431 and 2432.

JOHNSON of Linn

PRESENTATION OF VISITORS

Smith of Scott presented to the House, the Honorable Ben Polk, Majority Whip of the House of Representatives of Illinois.

The Speaker announced that the following visitors were present in the House chamber:

Sixty-six fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Mrs. Renaud and Mr. Steward. By Carpenter and Pope of Polk.

Forty-three high school students from Wahlert and Hempstead Senior High Schools, Dubuque, accompanied by Julie Gerahty, Marjorie Reidy and Betty Hogan. By Connolly and Jochum of Dubuque.

Five students from Urbandale High School, Urbandale, accompanied by Mrs. Judy Brooks. By Krewson of Polk.

Forty-five twelfth grade students from English Valley Community School, North English, accompanied by Brian Newell and Duane Allan. By Tyrrell of Iowa.

Twelve members of the Office Education Club from Decorah High School, Decorah, accompanied by Miss Maxine Swiggum. By Tofte of Winneshiek.

Five students from Morningside College, Sioux City. By Sturgeon, O'Kane, Johnson and Binneboese of Woodbury.

PROOF OF PUBLICATION (House File 2427)

Published copy of House File 2427 and verified proof of publication of said bill in the Cascade Pioneer-Advertiser, a weekly

newspaper published in Cascade, Dubuque County, Iowa, on March 11, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

DEPARTMENT OF TRANSPORTATION

A series of public hearings concerning 65-foot twin-trailer trucks by the Iowa Department of Transportation, to discuss whether to expand the number of routes available for 65-foot twin-trailer trucks and what factors to consider in designating additional routes, will be held March 19 through March 24, 1982. A schedule is available in the Chief Clerk's office.

STATE OF CALIFORNIA

A joint resolution requesting the Congress of the United States to encourage the development of hazardous waste treatment and disposal facilities in each state in the union by, among other things, developing a system of financial incentives which will encourage the development of hazardous waste treatment and disposal sites within the boundaries of each state.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5449.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 2210, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H-5449	S.F.	2088	Committee on Education
H-5450	H.F.	2425	De Groot of Lyon
			Byerly of Polk
H-5451	H.F.	2220	Lind of Black Hawk
H-5452	H.F.	2463	Tyrrell of Iowa
H-5453	S.F.	393	Lind of Black Hawk
H-5454	S.F.	393	Lind of Black Hawk
H-5455	H.F.	2460	Connors of Polk
H-5456	H.F.	2463	Cook of Hardin
			Tofte of Winneshiek
H-5457	H.F.	2439	Schroeder of Pottawattamie
			Smith of Scott
			Harbor of Mills
			Byerly of Polk
			Swearingen of Keokuk
H-5458	H.F.	2464	Hummel of Benton
H-5459	H.F.	2465	Lind of Black Hawk
H-5460	H.F.	2439	Hummel of Benton
H-5462	H.F.	2220	Krewson of Polk
H-5463	H.F.	2220	Krewson of Polk
H-5464	H.F.	2463	Hummel of Benton
H-5465	H.F.	2463	Hummel of Benton
H-5466	S.F.	396	Hanson of Delaware
H-5467	H.F.	2463	Bennett of Ida
			Cochran of Webster
			Stueland of Clinton
			Cook of Hardin
			Pellett of Cass
H-5468	H.F.	2463	Johnson of Linn
H-5469	H.C.R.	127	Tyrrell of Iowa
H-5470	H.F.	2421	Mann of Greene
H-5471	H.F.	2463	Pellett of Cass
H-5472	H.F.	2463	Jay of Appanoose
			Cochran of Webster
			Davitt of Warren

On motion by Pope of Polk, the House adjourned at 5:45 p.m., until 9:00 a.m., Thursday, March 18, 1982.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 18, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend James Krapf, pastor of the First Presbyterian Church, Battle Creek.

The Journal of Wednesday, March 17, 1982 was approved.

HOUSE FILE 2436 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2436 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 397, a bill for an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

Also: That the Senate has on March 16, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 490, a bill for an act to allow tort claim actions against the state to be tried before a jury.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2040, a bill for an act requiring warning notices to be included in ureaformaldehyde foam insulation contracts and providing a penalty.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2103, a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts.

Also: That the Senate has on March 16, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2134, a bill for an act permitting the movement of certain semitrailers or combinations of vehicles on the highways.

Also: That the Senate has on March 16, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2180, a bill for an act to provide a setoff against income tax refunds and rebates for defaults on guaranteed student loans.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2240, a bill for an act repealing the statutes relating to certain appliances equipped with a pilot light.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2258, a bill for an act relating to procedures in small claims actions.

Also: That the Senate has on March 16, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2262, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

CONSIDERATION OF BILLS

Regular Calendar

House File 2220, a bill for an act relating to criminal responsibility for the commission of a public offense while mentally ill, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered amendment H-5440 filed by him as follows:

H-5440

1 Amend House File 2220 as follows:

2 1. By striking pages 1 through 5.

3 2. Page 6, by striking lines 1 through 19 and
4 inserting in lieu thereof the following:

5 "Section 1. Chapter 901, Code 1981, is amended
6 by adding the following new section:

7 **NEW SECTION. SENTENCING AND TREATMENT OF DEFENDANT**
8 **WHO IS GUILTY BUT MENTALLY ILL.**

9 1. If the court imposes a sentence of imprisonment
10 upon a defendant who has been found guilty and who
11 has been determined by the court to need treatment
12 for mental illness, the".

13 3. Page 7, by striking lines 13 and 14 and
14 inserting in lieu thereof the following:

15 "5. a. A person found guilty who has been
16 determined by the court to need treatment for mental
17 illness, who is placed on probation or sentenced".

18 4. Page 7, by inserting after line 34, the
19 following:

20 "6. The term "mental illness" or "mentally ill"
21 as used in this section, means "mental illness" as
22 defined by section 229.1, subsection 1."

23 5. Page 8, by striking lines 11 through 12 and
24 inserting in lieu thereof the following: "court has
25 reasonable cause to believe the defendant may be
26 mentally ill as defined by section 229.1, subsection
27 1. The court may order a presentence investigation".

28 6. Page 8, by striking lines 29 through 35 and
29 inserting in lieu thereof the following: "examination
30 or psychiatric evaluation of the defendant may be
31 ordered, or the defendant may be committed to an
32 inpatient or outpatient psychiatric facility for an
33 evaluation of his or her personality and mental health.
34 When the court has reasonable cause to believe the
35 defendant may be mentally ill, it shall order an

36 examination of the defendant by a clinical psychologist
37 or a psychiatrist. The results of any such examination
38 or evaluation shall be included in the report of the
39 investigator. After examining the psychiatric or
40 psychological report or reports, the sentencing court
41 shall make a determination as to the need for treatment
42 of the defendant for mental illness."

43 7. Page 9, by striking lines 1 through 18.

44 8. By renumbering to conform with this amendment.

Krewson of Polk offered the following amendment H—5462, to amendment H—5440, filed by him and moved its adoption:

H—5462

1 Amend amendment H—5440, to House File 2220 as
2 follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 " . Page 6, line 24, by striking the words
6 "adult corrections" and inserting in lieu thereof
7 the words "mental health, mental retardation and
8 developmental disabilities of the department of social
9 services shall develop a treatment plan for the inmate
10 and".

11 2. By renumbering to conform to this amendment.

A non-record roll call was requested.

The ayes were 39, nays 48.

Amendment H—5462, to amendment H—5440 lost, placing out of order amendment H—5463 filed by Krewson of Polk on March 17, 1982.

Lind of Black Hawk offered the following amendment H—5451, to amendment H—5440, filed by him and moved its adoption:

H—5451

1 Amend amendment H—5440 to House File 2220 as
2 follows:

3 1. Page 1, by striking lines 36 and 37 and
4 inserting in lieu thereof the following: "examination
5 of the defendant by a psychiatrist. The results of
6 any such examination".

7 2. Page 1, by striking lines 39 and 40 and
8 inserting in lieu thereof the following:

9 "investigator. After examining the psychiatric report,
10 the sentencing court".

A non-record roll call was requested.

The ayes were 37, nays 50.

Amendment H—5451, to amendment H—5440, lost.

Halvorson of Clayton moved the adoption of amendment H—5440.

Amendment H—5440 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2220)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Corey	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poney	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 3:

Crabb

Jay

Tofte

Absent or not voting, 7:

Clements
Walter

Harbor
Welsh

Lageschulte
Woods

Loneragan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RESOLUTION 105

By Byerly, Smalley, Daggett, Tofte and Tyrrell

- 1 *Whereas*, some question has arisen as to whether
- 2 the present practice of starting the open season
- 3 for deer at sunrise is the most desirable; and
- 4 *Whereas*, the interests of farmers, hunters, and
- 5 other members of the public need to be represented
- 6 in any decision on this matter; *Now Therefore*,
- 7 *Be It Resolved by the House of Representatives*,
- 8 That the Iowa state conservation commission is
- 9 requested to conduct a study and provide an opportunity
- 10 for oral presentation and receive testimony from
- 11 farmers, hunters, and other interested parties, and
- 12 upon completion to commence a rule-making proceeding.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 10:01 a.m., until 1:30 p.m.

SPECIAL PRESENTATION

Barbara Rowe, of Elmhurst, Illinois, performed in the House chamber from 1:00 p.m. until 1:30 p.m. Ms. Rowe presented a program in costume in which she portrayed Susan B. Anthony. Through research of diaries, letters and speeches, Barbara used the actual words of Mrs. Anthony entirely in her performance. She has traveled across the United States bringing her program to all types of organizations. The House rose and expressed its appreciation with a standing ovation. She was a guest of Doderer of Johnson.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lind of Black Hawk on request of Diemer of Black Hawk; Cochran of Webster and Hall of Linn on request of Avenson of Fayette; Renken of Grundy on request of Johnson of Howard; Halvorson of Clayton on request of Crabb of Crawford; Walter of Pottawattamie on request of Pavich of Pottawattamie; all for the remainder of the afternoon and March 19, 1982.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, eighteen absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, with report of committee recommending passage was taken up for consideration.

Cook of Hardin offered amendment H-5456 filed by Cook and Tofte and asked and received unanimous consent that the amendment be withdrawn.

Bennett of Ida offered amendment H-5467 filed by Bennett, et al., as follows:

H-5467

- 1 Amend House File 2463 as follows:
- 2 1. Page 2, by inserting after line 15 the
- 3 following:
- 4 "Sec. 4. Section 455A.4, Code 1981, is amended
- 5 to read as follows:

6 455A.4 APPOINTMENT. The council shall consist
7 of ten members, nine of whom shall be members who
8 are electors of the state of Iowa and shall be selected
9 from the state at large solely with regard to their
10 qualifications and fitness to discharge the duties
11 of office without regard to their political affiliation
12 have knowledge of and interest in the subjects embraced
13 in this chapter. The tenth member shall be the
14 executive director of the department of environmental
15 quality or the executive director's designee, who
16 shall be a nonvoting member. The appointive members
17 of the council shall be appointed by the governor
18 subject to confirmation by the senate and shall be
19 appointed for overlapping terms of six four years.
20 The terms of three members of the council shall begin
21 and expire in each odd-numbered year years as provided
22 by section 69.19. Two members must be actively engaged
23 in livestock and grain farming, one member must be
24 a soil conservation district commissioner, one member
25 must be engaged in the management of a manufacturing
26 company, and one member must be a registered
27 professional engineer."

28 2. Page 46, by striking lines 25 through 28 and
29 inserting in lieu thereof the following: "shall
30 appoint the members of the Iowa water council, and
31 may authorize the Iowa water council to organize as
32 provided in this Act, to appoint".

33 3. Page 46, line 31, by inserting after the word
34 "applicable." the following: "Five members of the
35 initial Iowa water council shall be appointed to terms
36 expiring on April 30, 1987 and four members shall
37 be appointed to terms expiring on April 30, 1985."

Bennett of Ida asked and received unanimous consent that
amendment H—5467 be temporarily deferred.

Hummel of Benton offered amendment H—5464 filed by him and
requested division as follows:

H—5464

1 Amend House File 2463 as follows:

H—5464A

2 1. By striking page 4, line 31 through page 5,
3 line 3.

H—5464B

4 2. Page 9, by striking lines 25 through 30.
5 3. By renumbering subsections to conform to this
6 amendment.

Speaker pro tempore Menke of O'Brien in the chair at 1:58 p.m.

Hummel of Benton asked and received unanimous consent to withdraw amendment H-5464A.

Hummel of Benton called up for consideration amendment H-5464B.

Stueland of Clinton rose on a point of order that amendment H-5464B was not germane.

The Speaker ruled the point not well taken and amendment H-5464B germane.

Hummel of Benton moved the adoption of amendment H-5464B.

A non-record roll call was requested.

The ayes were 11, nays 66.

Amendment H-5464B lost.

Hummel of Benton offered the following amendment H-5465 filed by him and moved its adoption:

H-5465

- 1 Amend House File 2463 as follows:
- 2 1. Page 10, by striking line 3 and inserting in
- 3 lieu thereof the words "reviewing and issuing the
- 4 permits. The fee".
- 5 2. Page 28, line 21, by striking the words "and
- 6 enforcing".

Amendment H-5465 lost.

Tyrrell of Iowa offered amendment H-5452 filed by him and requested division as follows:

H-5452

- 1 Amend House File 2463 as follows:

H-5452A

- 2 1. Page 12, line 4, by inserting after the word

3 "disapprove" the following: ", with consent of the
4 council,".

5 2. Page 12, line 9, by inserting after the word
6 "director" the following: ", with council approval,".

7 3. Page 12, line 16, by inserting after the word
8 "director" the following: ", with council approval,".

9 4. Page 12, line 30, by striking the word
10 "director's" and inserting in lieu thereof the word
11 "council".

12 5. Page 13, line 15, by inserting after the word
13 "director" the following: ", with council approval,".

H-5452B

14 6. Page 14, line 28, by striking the word
15 "director" and inserting in lieu thereof the word
16 "council".

H-5452A

17 7. Page 16, line 25, by inserting after the word
18 "director" the following: ", with council approval,".

19 8. Page 17, line 2, by inserting after the word
20 "director" the following: ", with council approval,".

21 9. Page 20, line 7, by inserting after the word
22 "director" the following: ", with council approval,".

23 10. Page 30, line 32, by inserting after the word
24 "director" the following: ", with council approval,".

Tyrrell of Iowa moved the adoption of amendment H-5452A.

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H-5452A lost.

Pellett of Cass offered the following amendment H-5471 filed by him and moved its adoption:

H-5471

1 Amend House File 2463 as follows:

2 1. Page 13, line 20, by striking the word "an" and
3 inserting in lieu thereof the word "any".

Amendment H-5471 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H-5452B.

Johnson of Linn offered the following amendment H—5468 filed by him and moved its adoption:

H—5468

- 1 Amend House File 2463 as follows:
- 2 1. Page 24, lines 25 and 26, by striking the words
- 3 “, subject to confirmation by the senate,”.

A non-record roll call was requested.

The ayes were 15, nays 62.

Amendment H—5468 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story, for a portion of the afternoon, on request of Clark of Lee; Harbor of Mills, for the remainder of the afternoon and March 19, 1982, on request of Pavich of Pottawattamie.

Jay of Appanoose offered the following amendment H—5472 filed by Jay, Cochran and Davitt and moved its adoption:

H—5472

- 1 Amend House File 2463 as follows:
- 2 1. Page 46, line 23, by striking the word “January”
- 3 and inserting in lieu thereof the word “July”.
- 4 2. Page 46, by striking line 24 and inserting
- 5 in lieu thereof the following: “effective on January
- 6 1, 1983. After January 1, 1983, the governor”.
- 7 3. Page 46, line 35, by striking the word “January”
- 8 and inserting in lieu thereof the word “July”.
- 9 4. Page 47, line 3, by striking the word “January”
- 10 and inserting in lieu thereof the word “July”.
- 11 5. Page 47, line 9, by striking the word “January”
- 12 and inserting in lieu thereof the word “July”.

Amendment H—5472 was adopted.

Bennett of Ida called up for consideration amendment H—5467 found on pages 875 and 876 of the House Journal.

Johnson of Linn asked and received unanimous consent to withdraw amendment H—5476, to amendment H—5467, filed by him from the floor.

Van Maanen of Mahaska offered the following amendment H—5475, to amendment H—5467, filed by him from the floor and moved its adoption:

H—5475

- 1 Amend amendment H—5467 to page 2 of House File
- 2 2463 as follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "company," the words "one member must be actively
- 5 engaged in surface mining."

A non-record roll call was requested.

The ayes were 23, nays 57.

Amendment H—5475, to amendment H—5467, lost.

Bennett of Ida moved the adoption of amendment H—5467.

Amendment H—5467 was adopted.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2463)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Conlon	Connolly	Connors	Cook
Corey	Crabb	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Fey	Gettings	Gross	Groth
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte

Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	
		(Menke)	

The nays were, 2:

Daggett Ritsema

Absent or not voting, 10:

Clements	Cochran	Egenes	Hall
Halvorson, R. A.	Harbor	Lind	Renken
Stromer	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2437, a bill for an act to assure the continuation of human service programs delivered by community action agencies, with report of committee recommending passage was taken up for consideration.

HOUSE FILE 2437 DEFERRED

Welsh of Dubuque asked and received unanimous consent that House File 2437 be deferred and that the bill retain its place on the calendar.

House File 2438, a bill for an act establishing procedures for making annual cost-of-living adjustments in those child support judgments that provide for annual cost-of-living adjustment, including judgments entered prior to the effective date of this Act, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H-5407 filed by him and moved its adoption:

H-5407

- 1 Amend House File 2438 as follows:
- 2 1. Page 2, line 26, by inserting after the word

- 3 "paid." the following: "A copy of the form shall be
- 4 mailed by the clerk to the non-obligated party."

Amendment H—5407 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5424 filed by Poffenberger of Dallas and moved its adoption:

H—5424

- 1 Amend House File 2438 as follows:
- 2 1. Page 3, line 9, by inserting after the words
- 3 "to the" the word "percentage".

Amendment H—5424 was adopted.

Speaker Stromer in the chair at 3:40 p.m.

HOUSE FILE 2438 DEFERRED

Conlon of Muscatine asked and received unanimous consent that House File 2438 be deferred and that the bill retain its place on the calendar.

HOUSE FILE 2439 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2439 be deferred and that the bill retain its place on the calendar.

House File 2401, a bill for an act regulating the activities of loan brokers and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5361 filed by the committee on commerce as follows:

H—5361

- 1 Amend House File 2401 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "5. "Administrator" means the commissioner of
- 5 insurance or the deputy appointed under section
- 6 502.601."
- 7 2. Page 3, by striking lines 3 and 4 and inserting
- 8 in lieu thereof the following:
- 9 "j. The names, business addresses, titles and

10 principal occupations for the past five years of all
11 officers, directors, or persons occupying a similar
12 position responsible for the broker's business
13 activities.

14 k. Such other information as the administrator
15 requires."

16 3. Page 3, line 13, by striking the words
17 "secretary of state" and inserting in lieu thereof
18 the word "administrator".

19 4. Page 3, line 15, by striking the words
20 "secretary of state" and inserting in lieu thereof
21 the word "administrator".

22 5. Page 3, line 27, by striking the word
23 "secretary" and inserting in lieu thereof the word
24 "administrator".

25 6. Page 3, by inserting after line 28 the
26 following:

27 "2. The administrator may adopt rules establishing
28 the term and length of the surety bond or trust
29 account."

30 7. Page 3, line 31, by striking the words
31 "SECRETARY OF STATE" and inserting in lieu thereof
32 the word "ADMINISTRATOR".

33 8. Page 3, by striking lines 32 through 34 and
34 inserting in lieu thereof the following:

35 "1. Before advertising or making other oral or
36 written representations, or acting as a loan broker
37 in this state, a loan broker shall file with the
38 administrator copies of the disclosure statement
39 required under".

40 9. Page 4, line 6, by striking the word "revise"
41 and inserting in lieu thereof the word "amend".

42 10. Page 4, by striking lines 13 through 19 and
43 inserting in lieu thereof the following:

44 "3. The broker shall pay a fifty dollar filing
45 fee with the initial disclosure statement filed under
46 subsection 1. A twenty-five dollar fee shall be
47 charged for each amendment under subsection 2."

48 11. Page 4, by inserting after line 19 the
49 following:

50 "4. The administrator shall review the disclosure

Page 2

1 statement for compliance with requirements imposed
2 under this Act.

3 5. The administrator may by order prohibit a
4 broker from advertising, making oral or written
5 representations, or acting as a loan broker if the
6 order is found to be in the public interest and either
7 of the following apply:

8 a. The disclosure statement or financial statement
9 on file is incomplete in any material respect or
10 contains any statement which was, in light of the
11 circumstances under which it was made, false or
12 misleading with respect to any material fact.

13 b. The loan broker has willfully violated or
14 willfully failed to comply with any provision of this
15 Act.

16 6. The information contained or filed under this
17 section may be made available to the public under
18 such rules as the administrator prescribes."

19 12. Page 4, by inserting after line 24 the
20 following:

21 "Sec. 7. NEW SECTION. WAIVER OF RIGHTS. A waiver
22 of this Act by a borrower prior to or at the time
23 of entering into a loan brokerage agreement is contrary
24 to public policy and is void and unenforceable. An
25 attempt by a loan broker to have a borrower waive
26 any rights given in this Act is a violation of this
27 Act.

28 Sec. 8. NEW SECTION. RULES. The administrator
29 may adopt rules according to chapter 17A as necessary
30 or appropriate to implement the purposes of this
31 Act."

32 13. Page 5, by striking lines 9 through 13 and
33 inserting in lieu thereof the following: "9 of this
34 Act do not apply to any activities or arrangements
35 expressly approved or regulated by any regulatory
36 body or officer acting under authority of this state
37 or of the United States."

38 14. Page 5, line 17, by striking the figure "7"
39 and inserting in lieu thereof the figure "9".

40 15. By renumbering sections and correcting internal
41 references as necessary.

Schroeder of Pottawattamie offered the following amendment
H—5375, to amendment H—5361, filed by him and moved its adop-
tion:

H—5375

- 1 Amend amendment H—5361 to House File 2401 as follows:
2 1. Page 1, line 27, by striking the numeral "2".

Amendment H—5375, to amendment H—5361, was adopted.

Schroeder of Pottawattamie moved the adoption of the com-
mittee amendment H—5361, as amended.

The committee amendment H—5361, as amended, was adopted.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2401)

The ayes were, 88:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connolly	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Rosenberg	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Anderson, R.	Cochran	Connors	Hall
Halvorson, R. A.	Harbor	Lind	Menke
Renken	Running	Walter	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2154, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2154)

The ayes were, 87:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Rosenberg
Schneklloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Pelton	Ritsema
--------	---------

Absent or not voting, 10:

Anderson, R.	Cochran	Hall	Halvorson, R. A.
Harbor	Lind	Menke	Renken
Running	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2441, a bill for an act requiring the department of social services to study and recommend a proposal relating to elderly independent group homes, with report of committee recommending passage was taken up for consideration.

Welden of Hardin rose on a point of order invoking House Rule 37, relating to commitment of appropriation and revenue bills.

The Speaker ruled the point not well taken and House Rule 37 not in order.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2441)

The ayes were, 64:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Conlon	Connolly	Connors
Crabb	Davitt	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Groth	Halvorson, R. N.	Hanson, D.	Hoffmann-Bright
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Knapp	Lloyd-Jones
Loneragan	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Rosenberg	Schneklloth
Shull	Smalley	Smith	Spear
Sturgeon	Sullivan	Swartz	Tofte
Trucano	Welsh	Woods	Mr. Speaker

The nays were, 25:

Anderson, J.	Bennett	Branstad	Clements
Cook	Corey	Daggett	Danker
De Groot	Gross	Hansen, I.	Holt
Johnson, J.	Johnson, W.	Lageschulte	Mann
Maulsby	Menke	Mullins	Pellett
Schroeder	Stueland	Swearingen	Tyrrell
Van Maanen			

Absent or not voting, 10:

Cochran	Hall	Halvorson, R. A.	Harbor
Krewson	Lind	Renken	Running
Walter	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2442, a bill for an act relating to custody of children upon dissolution of marriage, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5405 filed by him and moved its adoption:

H—5405

- 1 Amend House File 2442 as follows:
- 2 1. Page 2, line 24, by inserting after the
- 3 word "opposition" the words ", taking into consider-
- 4 ation the child's age and maturity".

Amendment H—5405 was adopted.

Brandt of Black Hawk offered the following amendment H—5434 filed by her and moved its adoption:

H—5434

- 1 Amend House File 2442 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following:
- 4 "5. When the parent awarded custody or physical
- 5 care of the child cannot act as custodian or caretaker
- 6 because the parent has died or has been judicially
- 7 adjudged incompetent, the court shall award custody
- 8 including physical care of the child to the surviving
- 9 parent unless the court finds that such an award is
- 10 not in the child's best interests."

Amendment H—5434 was adopted.

Doderer of Johnson offered the following amendment H—5439 filed by Doderer, et al., and moved its adoption:

H—5439

- 1 Amend House File 2442 as follows:
- 2 1. Page 2, by adding after line 30 the following:
- 3 "Sec. . Section 598.12, Code 1981, is amended
- 4 to read as follows:
- 5 598.12 ATTORNEY FOR MINOR CHILD.

6 1. The court may appoint an attorney to represent
7 the interests of the minor child or children of the
8 parties. Such The attorney shall be empowered to
9 make independent investigations and to cause witnesses
10 to appear and testify before the court on matters
11 pertinent to the interests of the children.

12 2. The court may require that the department of
13 social services or an appropriate agency make an
14 investigation of both parties regarding the home
15 conditions, parenting capabilities, and other matters
16 pertinent to the best interests of the child or
17 children in a dispute concerning custody of the child
18 or children. The investigation report completed by
19 the department of social services or an appropriate
20 agency shall be submitted to the court and available
21 to both parties. The investigation report completed
22 by the department of social services or an appropriate
23 agency shall be a part of the record unless otherwise
24 ordered by the court.

25 3. The court shall enter an order in favor of
26 such the attorney, the department of social services,
27 or an appropriate agency for fees and disbursements,
28 which amount shall be charged against the party
29 responsible for court costs unless the court determines
30 that the party responsible for costs is indigent in
31 which event the fees shall be borne by the county."

32 2. Renumber as necessary.

Amendment H—5439 was adopted.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2442)

The ayes were, 88:

Anderson, J.
Baxter
Branstad
Carpenter
Clements
Cook
Danker
Diemer
Gettings
Hansen, I.
Horn

Anderson, R.
Bennett
Bruner
Chiodo
Conlon
Corey
Davitt
Doderer
Gross
Hanson, D.
Hummel

Arnould
Binneboese
Byerly
Clark, B. J.
Connolly
Crabb
De Groot
Egenes
Groth
Hoffmann-Bright
Jay

Avenson
Brandt
Carl
Clark, J. H.
Connors
Daggett
Dieleman
Fey
Halvorson, R. N.
Holt
Jochum

Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Rosenberg	Schnekloth
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker

The nays were, 1:

Schroeder

Absent or not voting, 10:

Cochran	Hall	Halvorson, R. A.	Harbor
Howell	Lind	*Renken	Running
Walter	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN (Senate Amendment H—5267 to House File 855)

Smith of Scott asked and received unanimous consent to withdraw the motion to reconsider in which the House refused to concur in the Senate amendment H—5267, to House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter, filed on March 5, 1982.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 129

Doderer of Johnson called up for consideration House Concurrent Resolution 129, relating to the collection of records and statistics by the Iowa Department of Health relating to child custody and child support for three years, filed on March 11, 1982 and found on page 784 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 114

Pelton of Clinton called up for consideration House Concurrent Resolution 114, relating to the General Assembly opposing the accelerated decontrol of natural gas prices filed on February 10, 1982 and found on pages 320 and 321 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 127 WITHDRAWN

Tyrrell of Iowa asked and received unanimous consent to withdraw from consideration House Concurrent Resolution 127, placing out of order amendment H—5469 filed by Tyrrell on March 17, 1982.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 116

Clements of Scott called up for consideration House Concurrent Resolution 116, requesting the President and Congress to make meaningful cuts in the defense budget, filed on February 23, 1982 and found on pages 515 and 516 of the House Journal and moved its adoption.

Roll call was requested by Anderson of Jasper and Welsh of Dubuque.

Rule 80 was invoked.

On the question "Shall the resolution be adopted?" (H.C.R. 116)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte

Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poney
Pope	Rapp	Renaud	Ritsema
Rosenberg	Schneklath	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Mr. Speaker		

The nays were, 2:

Hummel	Schroeder
--------	-----------

Absent or not voting, 11:

Cochran	Groth	Hall	Halvorson, R. A.
Harbor	Howell	Lind	Renken
Running	Walter	Woods	

The motion prevailed and the resolution was adopted.

MOTIONS TO RECONSIDER (House File 2220)

I move to reconsider the vote by which House File 2220 passed the House on March 18, 1982.

HALVORSON of Clayton

(House File 2220)

I move to reconsider the vote by which House File 2220 passed the House on March 18, 1982.

LIND of Black Hawk

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2037, a bill for an act to require a bond from a person who provides a handling service for a dealer or a person operating a redemption center and to provide a penalty for violations.

K. MARIE THAYER, Secretary

COMMUNICATION FROM SECRETARY OF STATE

March 17, 1982

Ms. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that House File 2034 was published in the Monona Billboard, Monona, Iowa on March 11, 1982 and in the Audubon News-Advocate, Audubon, Iowa on March 10, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five eleventh grade students from North High School, Sioux City, accompanied by Mr. Larry Twait and Larry Hayhall. By O'Kane and Sturgeon of Woodbury.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

COMMISSION ON AGING

The Annual Report of the Iowa Commission of the Aging for Fiscal Year 1981, pursuant to Chapter 249B.6, Code of Iowa.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 2182, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5477.

Senate File 2197, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2209, a bill for an act relating to the time limitation for the administration of an estate including documentation of title.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5473.

Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities.

Fiscal Note is not required.

Recommended Do Pass.**AMENDMENTS FILED**

H-5473	S.F.	312	Committee on Ways and Means
H-5474	H.F.	2436	Poffenberger of Dallas Doderer of Johnson
H-5477	S.F.	367	Committee on Judiciary and Law Enforcement
H-5478	H.F.	2462	Spear of Lee
H-5479	H.F.	2465	Spear of Lee
H-5480	S.F.	393	Woods of Polk
H-5481	H.F.	2393	Welden of Hardin
H-5482	H.F.	2439	Schroeder of Pottawattamie Smith of Scott Clark of Lee Byerly of Polk Hoffmann-Bright of Muscatine Swearingen of Keokuk
H-5483	H.F.	2437	Welden of Hardin
H-5484	H.F.	2461	Schroeder of Pottawattamie
H-5485	H.F.	2438	Sturgeon of Woodbury Tyrrell of Iowa Smalley of Polk Jay of Appanoose De Groot of Lyon Woods of Polk Smalley of Polk Welden of Hardin Daggett of Taylor Schnekloth of Scott
H-5487	H.C.R.	118	Clements of Scott Van Maanen of Mahaska Mann of Greene Dieleman of Marion Gettings of Wapello

H-5488	S.F.	393	Byerly of Polk
H-5489	H.F.	2389	Doderer of Johnson
			Hanson of Delaware
H-5490	H.F.	2437	Welsh of Dubuque
			Hanson of Delaware

On motion by Pope of Polk, the House adjourned at 5:12 p.m.,
until 9:00 a.m., Friday, March 19, 1982.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 19, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable Norman J. Goodwin, State Senator from DeWitt.

The Journal of Thursday, March 18, 1982 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 403, a bill for an act relating to ways condemned by landowners having no access to their property.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2220, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2226, a bill for an act relating to allowing the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2231, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

Also: That the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2266, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2037, by Doyle, a bill for an act to require a bond from a person who provides a handling service for a dealer or a person operating a redemption center and to provide a penalty for violations.

Read first time and referred to committee on **energy**.

Senate File 2040, by Rush, a bill for an act requiring warning notices to be included in ureaformaldehyde foam insulation contracts and providing a penalty.

Read first time and referred to committee on **commerce**.

Senate File 2103, by committee on commerce, a bill for an act relating to the regulation of electric transmission lines operated at less than thirty-four thousand five hundred volts.

Read first time and referred to committee on **commerce**.

Senate File 2234, by committee on natural resources, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference.

Read first time and referred to committee on **natural resources**.

Senate File 2240, by committee on commerce, a bill for an act repealing the statutes relating to certain appliances equipped with a pilot light.

Read first time and referred to committee on **commerce**.

Senate File 2245, by committee on human resources, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

Read first time and referred to committee on **human resources**.

Senate File 2252, by committee on state government, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

Read first time and **passed on file**.

Senate File 2253, by committee on state government, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Read first time and referred to committee on **state government**.

Senate File 2262, by committee on transportation, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Read first time and referred to committee on **transportation**.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to move House File 2437 to the top of today's Daily Debate Calendar.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2437**, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

Welden of Hardin offered the following amendment H—5483 filed by him and moved its adoption:

H—5483

- 1 Amend House File 2437 as follows:
- 2 1. Page 1, line 14, by striking the word "shall"
- 3 and inserting in lieu thereof the word "may".
- 4 2. Page 1, line 18, by striking the word "shall"
- 5 and inserting in lieu thereof the word "may".
- 6 3. Page 1, line 21, by striking the word "shall"
- 7 and inserting in lieu thereof the word "may".
- 8 4. Page 2, by striking lines 24 through 29.
- 9 5. Page 2, line 30, by striking the words "or
- 10 advisory board".
- 11 6. Page 3, by striking lines 8 through 14 and
- 12 inserting in lieu thereof the following:
- 13 "1. Plan for a community action program by
- 14 establishing priorities among projects, activities,".
- 15 7. Page 3, by striking lines 17 and 18 and
- 16 inserting in lieu thereof the following:
- 17 "2. Obtain and".
- 18 8. Page 3, by striking lines 22 through 29.
- 19 9. Page 4, line 33, by striking the word "shall"
- 20 and inserting in lieu thereof the word "may".
- 21 10. By renumbering as necessary.

Amendment H—5483 was adopted.

Welsh of Dubuque offered the following amendment H—5490 filed by Welsh and Hanson of Delaware and moved its adoption:

H—5490

- 1 Amend House File 2437 as follows:
- 2 1. Page 5, line 5, by inserting after the word
- 3 "state." the words "However, if a political subdivision
- 4 is the delegate agency, the financial assistance shall
- 5 be allocated to that political subdivision."

Amendment H—5490 was adopted.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2437)

The ayes were, 82:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Knapp	Krewson
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Johnson, J.	Smalley
-------------	---------

Absent or not voting, 15:

Anderson, R.	Brandt	Byerly	Chiodo
Cochran	Hall	Halvorson, R. A.	Harbor
Howell	Lageschulte	Lind	Pelton
Running	Sturgeon	Walter	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2448, a bill for an act relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—5418 filed by Tyrrell, Hanson of Delaware and Pellett and moved its adoption:

H—5418

- 1 Amend House File 2448 as follows:
- 2 1. Page 2, by inserting after line 15 the
- 3 following:

- 4 "Sec. 3. This Act, being deemed of immediate
 5 importance, takes effect from and after its
 6 publication in the Delaware County Leader, a newspaper
 7 published in Hopkinton, Iowa, and in The Pioneer-
 8 Republican, a newspaper published in Marengo, Iowa."

Amendment H—5418 was adopted.

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2448)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 10:

Brandt	Byerly	Cochran	Hall
Halvorson, R. A.	Harbor	Lind	Pelton
Sturgeon	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2436 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2436 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2438**, a bill for an act establishing procedures for making annual cost-of-living adjustments in those child support judgments that provide for annual cost-of-living adjustment, including judgments entered prior to the effective date of this Act.

Sturgeon of Woodbury offered the following amendment H—5485 filed by Sturgeon, et al., and moved its adoption:

H—5485

- 1 Amend House File 2438, as follows:
- 2 1. By striking all after the enacting clause and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 598.21, subsection 4, Code
- 5 1981, is amended by adding a new lettered paragraph
- 6 to follow lettered paragraph "h", to read as follows:
- 7 **NEW LETTERED PARAGRAPH.** The desirability of
- 8 including an annual cost of living adjustment
- 9 provision upon application by either party."

A non-record roll call was requested.

The ayes were 38, nays 58.

Amendment H—5485 lost.

The following amendment H—5492 filed by Poffenberger of Dallas from the floor was adopted by unanimous consent:

H—5492

- 1 Amend House File 2438, as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "decree", the following: "as defined in subsection 1
- 4 of this section".

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2438)

The ayes were, 56:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Binneboese	Brandt	Bruner
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Connolly	Connors
Corey	Crabb	Daggett	Danker
Diemer	Doderer	Egenes	Fey
Gettings	Groth	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Howell	Hummel
Jochum	Knapp	Lageschulte	Lloyd-Jones
Loneragan	McKean	Menke	Mullins
Norland	Poffenberger	Pope	Rapp
Ritsema	Rosenberg	Running	Shull
Smith	Spear	Stueland	Swartz
Swearingen	Van Maanen	Welsh	Mr. Speaker

The nays were, 37:

Bennett	Branstad	Byerly	Chiodo
Cook	Davitt	De Groot	Dieleman
Gross	Holt	Horn	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Mann	Maulsby	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Renaud	Renken	Schnekloth
Schroeder	Smalley	Sturgeon	Sullivan
Tofte	Trucano	Tyrrell	Welden
Woods			

Absent or not voting, 6:

Cochran	Hall	Halvorson, R. A.	Harbor
Lind	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:47 a.m., until the fall of the gavel.

The House resumed session at 11:17 a.m., Speaker Stromer in the chair.

HOUSE RULE 25 SUSPENDED

Woods of Polk asked and received unanimous consent to suspend House Rule 25 to permit Lee Duin and Tim Wood to be present in the chamber during debate on House File 808.

SENATE AMENDMENT CONSIDERED

House Concurs

Schnekloth of Scott called up for consideration **House File 808**, a bill for an act relating to the registration of and licensing for the operation of motor vehicles, with a December 1, 1983 effective date, amended by the Senate amendment as follows:

H-5398

1 Amend House File 808, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 321.1, subsection 71, Code
6 1981, as amended by Acts of the Sixty-ninth General
7 Assembly, Second Extraordinary 1981 Session, chapter
8 2, section 5, is amended to read as follows:

9 71. A "special truck" means a motor truck not
10 used for hire with a gross weight registration of
11 eight six through twenty tons used by a person engaged
12 in farming to transport commodities produced only
13 by the owner, or to transport commodities purchased
14 by the owner for use in the owner's own farming opera-
15 tion or occasional use for charitable purposes.

16 Sec. 2. Section 321.1, Code 1981, is amended by
17 adding the following new subsection:

18 **NEW SUBSECTION.** "Registration year" means the
19 period of twelve consecutive months beginning on the
20 first day of the month following the month of the
21 birth of the owner of the vehicle for vehicles
22 registered by the county treasurer and the calendar
23 year for vehicles registered by the department or
24 vehicles with a combined gross weight exceeding five
25 tons which are registered by the county treasurer
26 and mobile homes.

27 Sec. 3. Section 321.24, Code 1981, is amended
28 by inserting after unnumbered paragraph 1 the following
29 new unnumbered paragraph:

30 **NEW UNNUMBERED PARAGRAPH.** A vehicle shall be
31 registered for the registration year. A vehicle
32 registered for the first time in this state shall
33 be registered for the remaining unexpired months of

34 the registration year and pay a registration fee
35 prorated for the remaining unexpired months of the
36 registration year.

37 Sec. 4. Section 321.34, subsection 3, unnumbered
38 paragraph 1, Code 1981, is amended to read as follows:

39 In lieu of issuing new registration plates each
40 registration year for a vehicle renewing registration,
41 the department may reassign the registration plates
42 previously issued to such the vehicle and may adopt
43 and prescribe an annual validation sticker stickers
44 indicating payment of registration fee, which annual
45 validation sticker shall be attached to said
46 registration plates bearing the numerals indicating
47 the year for which the original plates are validated
48 fees. The department shall issue two validation
49 stickers for each registration plate. One sticker
50 shall specify the year of expiration of the registra-

Page 2

1 tion period. The second sticker shall specify the
2 month of expiration of the registration period. The
3 month of registration shall not be required on
4 registration plates or validation stickers issued
5 for vehicles registered under chapter 326.

6 Sec. 5. Section 321.39, Code 1981, is amended
7 by striking the section and inserting in lieu thereof
8 the following:

9 321.39 EXPIRATION OF REGISTRATION. Except as
10 provided in this chapter every vehicle registration,
11 registration card, and registration plate shall expire
12 as follows:

13 1. For vehicles registered under chapter 326 and
14 any motor truck, truck tractor, or road tractor
15 registered for a combined gross weight exceeding five
16 tons, at midnight on the last day of December of each
17 year.

18 2. For vehicles registered by the county treasurer,
19 at midnight on the last day of the registration year.

20 3. For vehicles on which the first installment
21 of an annual fee has been paid, at midnight on the
22 last day of June; for vehicles on which the second
23 installment of an annual fee has been paid, at midnight
24 on the last day of December.

25 4. For vehicles registered without payment of
26 fees as provided in section 321.19, when designated
27 by the department.

28 5. For mobile homes, at midnight on the last day
29 of June and December each year.

30 Registration for every vehicle registered by the
31 county treasurer shall expire upon transfer of

32 ownership.

33 Sec. 6. Section 321.40, unnumbered paragraph 1,
34 Code 1981, is amended by striking the unnumbered
35 paragraph and inserting in lieu thereof the following:

36 Application for renewal of a vehicle registration
37 shall be made on or after the first day of the month
38 of expiration of registration and up to and including
39 the last day of the month following the month of
40 expiration of registration. The registration shall
41 be renewed upon payment of the appropriate registration
42 fee.

43 Sec. 7. Section 321.40, unnumbered paragraph 3,
44 Code 1981, is amended by striking the unnumbered
45 paragraph.

46 Sec. 8. Section 321.46, Code 1981, is amended
47 to read as follows:

48 321.46 NEW TITLE AND REGISTRATION UPON TRANSFER
49 OF REGISTRATION OWNERSHIP.

50 1. The transferee shall within seven calendar

Page 3

1 days after purchase or transfer apply for and obtain
2 from the county treasurer of the person's residence,
3 or if a nonresident, the county treasurer of the
4 county where the primary users of the vehicle are
5 located or the county where all other vehicles owned
6 by the nonresident are registered, a transfer of new
7 registration and a new certificate of title for such
8 the vehicle except as provided in section 321.48.

9 The transferee shall present with the application
10 the certificate of title endorsed and assigned by
11 the previous owner and the signed registration card
12 or other evidence of current registration as required
13 by the department. The transferee shall be required
14 to list a motor vehicle license number as part of
15 the application for a registration transfer and a
16 new title. The motor vehicle license number shall
17 not be the social security number of the transferee
18 unless requested by the transferee.

19 2. Upon filing the application for a new
20 registration transfer and a new title, the applicant
21 shall pay a title fee of two dollars and a registration
22 fee prorated for the remaining unexpired months of
23 the registration year. The county treasurer, if
24 satisfied of the genuineness and regularity of the
25 application and that applicant has complied with all
26 the requirements of this chapter, shall forthwith
27 issue a new certificate of title and registration
28 card to the purchaser or transferee, shall cancel
29 the prior registration for the vehicle, and shall

30 forward the necessary copies to the department on
31 the date of issuance, as prescribed in section 321.24.

32 3. The applicant shall be entitled to a credit
33 for that portion of the registration fee of the vehicle
34 sold, traded, or junked within the state which had
35 not expired prior to the transfer of ownership of
36 the vehicle. The registration fee for the new
37 registration for the vehicle acquired shall be reduced
38 by the amount of the credit. The credit shall be
39 computed on the basis of the number of months remaining
40 in the registration year, rounded to the nearest whole
41 dollar. The credit shall be subject to the following
42 limitations:

43 a. The credit shall be claimed within thirty days
44 from the date the vehicle for which credit is granted
45 was sold, transferred, or junked. After thirty days,
46 all credits shall be disallowed.

47 b. Any credit granted to the owner of a vehicle
48 which has been sold, traded, or junked may only be
49 claimed by that person toward the registration fee
50 for another vehicle purchased and the credit may not

Page 4

1 be sold, transferred, or assigned to any other person.

2 c. When the amount of the credit is computed to
3 be an amount of less than five dollars, a credit shall
4 be disallowed.

5 d. To claim a credit for the unexpired registration
6 fee on a junked vehicle, the county treasurer shall
7 disallow any claim for credit unless the owner presents
8 a junking certificate or other evidence as required
9 by the department to the county treasurer.

10 e. A credit shall not be allowed to any person
11 who is eligible to receive a refund, upon proper
12 application, under section 321.126.

13 f. The credit shall only be allowed if the owner
14 provides the copy of the registration receipt to the
15 county treasurer.

16 g. The credit allowed shall not exceed the amount
17 of the registration fee for the vehicle acquired.
18 If the registration fee upon application is delinquent,
19 the applicant shall be required to pay the delinquent
20 fee from the first day the registration fee was due
21 prorated to the month of application for new title.

22 4. The seller or transferor may file an affidavit
23 on forms prescribed and provided by the department
24 with the county treasurer of the county where the
25 vehicle is registered certifying the sale or transfer
26 of ownership of such the vehicle and the assignment
27 and delivery of the certificate of title for such

28 the vehicle. Upon receipt of such the affidavit the
29 county treasurer shall file such the affidavit with
30 the copy of the registration receipt for such the
31 vehicle on file in his the treasurer's office and
32 on that day he the treasurer shall forward copies
33 of the affidavit to the department and to the county
34 treasurer of the county of residence of the purchaser
35 or transferee. Upon filing such the affidavit it
36 shall be presumed that the seller or transferor has
37 assigned and delivered the certificate of title for
38 such the vehicle.

39 Sec. 9. Section 321.48, Code 1981, is amended
40 to read as follows:

41 321.48 VEHICLES ACQUIRED FOR RESALE.

42 1. When the transferee of a vehicle is a dealer
43 who holds the vehicle for resale and operates the
44 vehicle only for purposes incident to a resale and
45 displays a dealer plate on the vehicle or does not
46 drive such vehicle or permit it to be driven upon
47 the highways, such transferee shall not be required
48 to obtain transfer of a new registration or a new
49 certificate of title but upon transferring title or
50 interest to another person shall execute and

Page 5

1 acknowledge an assignment and warranty of title upon
2 the certificate of title assigned to the person and
3 deliver the same to the person to whom such transfer
4 is made. The dealer shall also sign the reverse side
5 of the registration card for such vehicle indicating
6 the name and address of the new purchaser.

7 2. Any foreign registered vehicle purchased or
8 otherwise acquired by a dealer for the purpose of
9 resale shall be issued a certificate of title thereto
10 by the county treasurer of the dealer's residence
11 upon proper application therefor as provided in this
12 chapter and upon payment of a fee of two dollars and
13 such dealer shall be exempt from the payment of any
14 and all registration fees for such vehicle. Such
15 application for certificate of title shall be made
16 within forty-eight hours after said vehicle comes
17 within the border of the state.

18 3. Whenever a dealer purchases or otherwise
19 acquires a vehicle registered in this state he shall
20 issue a signed receipt to the previous owner,
21 indicating the date of purchase or acquisition, the
22 name and address of such previous owner and the
23 registration number of the vehicle purchased or
24 acquired. The original receipt shall be delivered
25 to the owner on the date of purchase or acquisition

26 and two copies shall be mailed or delivered by the
27 dealer to the county treasurer of his residence within
28 forty-eight hours after purchase or acquisition.
29 The county treasurer shall forward one copy to the
30 department. Forms for such receipts shall be furnished
31 by the department. In a transaction in which a vehicle
32 is traded to a dealer as defined in chapter 322 or
33 chapter 322C toward the purchase price of another
34 vehicle and each vehicle is owned in whole or in part
35 by the same person, the person acquiring the vehicle
36 from the dealer shall be entitled to a credit under
37 section 321.46.

38 4. Nothing in this section shall be construed
39 to prohibit a dealer from obtaining a new certificate
40 of title and transfer of or new registration in the
41 same manner as other purchasers.

42 Sec. 10. Section 321.51, subsection 4, Code 1981,
43 as amended by Acts of the Sixty-ninth General Assembly,
44 1981 Session, chapter 102, section 2, is amended to
45 read as follows:

46 4. Except as provided in section 321.52, the
47 county treasurer of the county of residence of the
48 transferee upon receipt of the application for a new
49 certificate of title, the appropriate fee, and the
50 affidavit as provided in subsection 2, and when

Page 6

1 satisfied as to the genuineness and regularity of
2 the application, shall issue a restricted certificate
3 of title to the applicant but shall not issue
4 registration plates or a registration card. A
5 restricted certificate of title shall be coded in
6 the manner prescribed by the department and shall
7 be red in color and shall have conspicuously imprinted
8 thereon in bold print, in a manner prescribed by the
9 department, the words "RESTRICTED CERTIFICATE OF
10 TITLE—CANNOT BE REGISTERED AND OPERATED ON THE
11 HIGHWAYS WITHOUT A VALID APPROVED CERTIFICATE OF
12 INSPECTION EXCEPT AS PROVIDED IN SECTION 321.51 OF
13 THE CODE OF IOWA." A county treasurer may also issue
14 a restricted certificate of title which is not red
15 in color but shall have the words "RED TITLE" in bold
16 letters and the words "RESTRICTED—CANNOT BE REGISTERED
17 WITHOUT A VALID APPROVED CERTIFICATE OF INSPECTION"
18 stamped on the face of the title in red ink. At the
19 time the transferee surrenders a valid approved
20 certificate of inspection and the restricted
21 certificate of title to the county treasurer of the
22 county of residence, the county treasurer, upon payment
23 of the appropriate fees, shall issue a certificate

24 of title that is not restricted for the vehicle and
25 shall also issue a registration card and registration
26 plates to the applicant if the applicant is not in
27 possession of registration plates which may be attached
28 to the vehicle, however. The registration fee shall
29 be prorated for the remaining unexpired months of
30 the registration year. However, if the registration
31 fee for the vehicle has been paid for the current
32 year, the county treasurer shall issue a registration
33 card and registration plates to the applicant if the
34 applicant is not in possession of registration plates
35 which may be attached to the vehicle upon payment
36 of an additional registration fee of five dollars:

37 A vehicle with a restricted certificate of title shall
38 not have a registration plate attached to the vehicle.

39 Sec. 11. Section 321.70, Code 1981, is amended
40 by striking the section and inserting in lieu thereof
41 the following:

42 321.70 DEALER VEHICLES. A dealer registered under
43 this chapter shall not be required to register any
44 vehicle owned by the dealer which is being held for
45 sale or trade, provided the registration fee was not
46 delinquent at the time the vehicle was acquired by
47 the dealer. When a dealer ceases to hold any vehicle
48 for sale or trade or the vehicle otherwise becomes
49 subject to registration under this chapter the
50 registration fee and delinquent registration fee,

Page 7

1 if any, shall be due for the registration year.

2 Sec. 12. Section 321.105, unnumbered paragraph
3 1, Code 1981, is amended to read as follows:

4 An annual registration fee shall be paid for each
5 vehicle operated upon the public highways of this
6 state unless the vehicle is specifically exempted
7 under the provisions of this chapter. If a vehicle,
8 which has been registered for the current registration
9 year, is transferred during the registration year,
10 the transferee shall reregister the vehicle as provided
11 in section 321.46 without payment of an additional
12 annual registration fee.

13 Sec. 13. Section 321.106, Code 1981, is amended
14 by striking the section and inserting in lieu thereof
15 the following:

16 321.106 REGISTRATION FOR FRACTIONAL PART OF YEAR.

17 When a vehicle is registered under chapter 326 or
18 a motor truck, truck tractor, or road tractor is
19 registered for a combined gross weight exceeding five
20 tons and there is no delinquency and the registration
21 is made in February or succeeding months through

22 November, the registration fee shall be computed on
23 the basis of one-twelfth of the annual registration
24 fee multiplied by the number of unexpired months of
25 the year. A fee shall not be required for the month
26 of December for a vehicle registered on a calendar
27 year basis on which there is no delinquency. A fee
28 shall not be required for the month of the owner's
29 birthday for a vehicle on which there is no
30 delinquency. Whenever any fee computed under this
31 section contains a fractional part of a dollar, the
32 fee shall be computed to the nearest whole dollar.
33 A fee computed under this section shall not be less
34 than five dollars. The fee so computed shall be
35 deemed to be the annual registration fee for the
36 remainder of the registration year.

37 A reduction in the registration fee shall not be
38 allowed by the department until the applicant files
39 satisfactory evidence to prove that there is no
40 delinquency in registration.

41 Sec. 14. Section 321.112, Code 1981, is amended
42 to read as follows:

43 321.112 MINIMUM MOTOR VEHICLE FEE. No motor
44 vehicle, regardless of age, except as provided in
45 section sections 321.115 and 321.117 shall be
46 registered for a full registration year for less than
47 ten dollars.

48 Sec. 15. Section 321.113, Code 1981, is amended
49 to read as follows:

50 321.113 AUTOMATIC REDUCTION. After said a motor

Page 8

1 vehicle has been registered is more than five times
2 model years old, that part of the registration fee
3 which is based on the value of the vehicle shall be:

4 Seventy-five percent of the rate as fixed when
5 new;

6 After a motor vehicle is more than six times model
7 years old, fifty percent;

8 After a motor vehicle is more than eight times
9 model years old, that part of the registration fee
10 based on the value of said the vehicle shall be ten
11 percent. Where the ninth registration fee for a motor
12 vehicle has been computed and fixed by the department
13 prior to July 4, 1949, there shall be added to such
14 the registration fee, in lieu of the ten percent
15 provided for herein, one dollar if such registration
16 fee has been computed and fixed at fifteen dollars
17 or less and two dollars if such the registration fee
18 has been computed and fixed at more than fifteen
19 dollars.

20 Sec. 16. Section 321.116, Code 1981, is amended
21 to read as follows:

22 321.116 ELECTRIC AUTOMOBILES. For all electric
23 motor vehicles the annual fee shall be twenty-five
24 dollars. When any electric motor vehicle has been
25 registered which is more than five times model years
26 old the annual registration fee shall be fifteen
27 dollars.

28 Sec. 17. Section 321.117, Code 1981, is amended
29 to read as follows:

30 321.117 MOTORCYCLE, AMBULANCE, AND HEARSE FEES.

31 For all motorcycles the annual fee shall be ten
32 dollars. For all motorized bicycles the annual fee
33 shall be five dollars. When said the motorcycle has
34 been registered is more than five times model years
35 old, the annual registration fee shall be five dollars.
36 The annual registration fee for ambulances and hearses
37 shall be fifty dollars. Passenger car plates shall
38 be issued for ambulances and hearses.

39 Sec. 18. Section 321.121, Code 1981, as amended
40 by Acts of the Sixty-ninth General Assembly, Second
41 Extraordinary 1981 Session, chapter 2, section 6,
42 is amended to read as follows:

43 321.121 SPECIAL TRUCKS FOR FARM USE. The
44 registration fee for a special truck shall be eighty
45 dollars for a gross weight of six tons, one hundred
46 dollars for a gross weight of seven tons, one hundred
47 twenty dollars for a gross weight of eight tons, and
48 in addition, fifteen dollars for each ton over eight
49 tons and not exceeding eighteen tons. The registration
50 fee for a special truck with a gross weight

Page 9

1 registration exceeding eighteen tons but not exceeding
2 nineteen tons shall be three hundred twenty-five
3 dollars and for a gross weight registration exceeding
4 nineteen tons but not exceeding twenty tons the
5 registration fee shall be three hundred seventy-five
6 dollars. Any person convicted of using a truck
7 registered as a special truck for any purpose other
8 than permitted by section 321.1, subsection 71, shall,
9 in addition to any other penalty imposed by law, be
10 required to pay regular motor truck registration fees
11 upon such truck.

12 Sec. 19. Section 321.122, subsection 1, paragraph
13 a, Code 1981, is amended to read as follows:

14 a. For a combined gross weight of three tons or
15 less forty-five dollars and after a vehicle which
16 is more than ten full registrations model years old
17 thirty-five dollars.

18 Sec. 20. Section 321.123, subsection 1, unnumbered
19 paragraph 2, Code 1981, is amended to read as follows:

20 Travel trailers and fifth-wheel travel trailers,
21 except those in manufacturer's or dealer's stock,
22 an annual fee of twenty cents per square foot of floor
23 space computed on the exterior overall measurements,
24 but excluding three feet occupied by any trailer hitch
25 as provided by and certified to by the owner, to the
26 nearest whole dollar, which amount shall not be
27 prorated or refunded; except the annual fee for travel
28 trailers of any type, when registered in Iowa for
29 the first time or when removed from a manufacturer's
30 or dealer's stock, shall be prorated on a monthly
31 basis. The registrant of a travel trailer of any
32 type shall be issued a "travel trailer" plate. It
33 is further provided the annual fee thus computed shall
34 be limited to seventy-five percent of the full fee
35 after the sixth registration the vehicle is more than
36 six model years old.

37 Sec. 21. Section 321.124, subsection 3, Code 1981,
38 is amended to read as follows:

39 3. The annual registration fee for motor homes
40 and multipurpose vehicles is as follows:

41 a. For class "A" motor homes with a list price
42 of thirty-five thousand dollars or more as certified
43 to the department by the manufacturer, four hundred
44 dollars for the first five registrations registration
45 each year through five model years and three hundred
46 dollars for each succeeding registration.

47 b. For class "A" motor homes with a list price
48 of twenty thousand dollars or more but less than
49 thirty-five thousand dollars as certified to the
50 department by the manufacturer, one hundred forty

Page 10

1 dollars for the first five registrations registration
2 each year through five model years and one hundred
3 five dollars for each succeeding registration.

4 c. For class "A" motor homes with a list price
5 of less than twenty thousand dollars as certified
6 to the department by the manufacturer, one hundred
7 twenty dollars for the first five registrations
8 registration each year through five model years and
9 eighty-five dollars for each succeeding registration.

10 d. For a class "A" motor home which is a passenger-
11 carrying bus which has been registered at least five
12 times as a motor truck and which has been converted,
13 modified or altered to provide temporary living
14 quarters, ninety dollars for the first ten
15 registrations registration each year through ten model

16 years and sixty-five dollars for each succeeding
17 registration. In computing the number of
18 registrations, the registrations shall be cumulative
19 beginning with the registration of the class "A" motor
20 home as a motor truck prior to its conversion,
21 modification, or alteration to provide temporary
22 living quarters.

23 e. For class "B" motor homes, ninety dollars for
24 the first five registrations registration each year
25 through five model years and sixty-five dollars for
26 each succeeding registration.

27 f. For class "C" motor homes, one hundred ten
28 dollars for the first five registrations registration
29 each year through five model years and eighty dollars
30 for each succeeding registration.

31 g. For multipurpose vehicles, seventy-five dollars
32 for the first five registrations registration each
33 year through five model years and fifty-five dollars
34 for each succeeding registration.

35 Sec. 22. Section 321.126, unnumbered paragraph
36 1 and subsections 2, 3, and 4, Code 1981, are amended
37 to read as follows:

38 Refunds of current registration fees previously
39 paid for the registration of motor vehicles shall
40 be allowed in accordance with this section, except
41 that no refund shall be allowed and paid if the unused
42 portion of the fee is less than five dollars.

43 Subsections 1 and 2 shall not apply to motor vehicles
44 registered by the county treasurer. Such The refunds
45 shall be made as follows:

46 2. If the motor vehicle is stolen, the owner shall
47 give notice of the theft to the county treasurer
48 department within five days, who in turn shall notify
49 the department. If the motor vehicle is not recovered
50 by the owner before December 1 of the year for which

Page 11

1 the registration fee was paid thirty days prior to
2 the end of the current registration year, the owner
3 shall make a statement of the theft and make claim
4 for refund.

5 3. If the motor vehicle is placed in storage by
6 the owner upon the owner's entry into the military
7 service of the United States, the owner shall return
8 the plates to the county treasurer or the department
9 and make a statement regarding such the storage and
10 military service and make claim for refund. Whenever
11 the owner of a motor vehicle so placed in storage
12 desires to again register such the vehicle, the county
13 treasurer or department shall compute and collect

the fees for registration in accordance with section 321.106 for the registration year commencing in the month the vehicle is removed from storage.

4. If the motor vehicle is registered by the county treasurer during the current registration year and the owner or lessee registers the vehicle for prorated under chapter 326, the owner of the registered vehicle shall surrender the registration plates to the county treasurer and may file a claim for refund.

Sec. 23. Section 321.126, subsection 1, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

1. If the motor vehicle is destroyed by fire or accident, or junked and its identity as a motor vehicle entirely eliminated, the owner in whose name the motor vehicle was registered at the time of destruction or dismantling shall return the plates to the department and within thirty days thereafter make a statement of such destruction or dismantling and make claim for refund. With reference to the destruction or dismantling of a vehicle, no refund shall be allowed unless a junking certificate has been issued, as provided in section 321.52.

Sec. 24. Section 321.127, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 104, section 1, is amended to read as follows:

321.127 AMOUNT OF REFUND. For December and each succeeding month the The refund for motor vehicles shall be computed on the basis of one-fourth of the annual registration fee multiplied by the number of remaining quarters of the registration year from date of filing of the claim for refund with the county treasurer, computed to the nearest quarter dollar. The department, unless reasonable grounds exist for delay, shall make refund on or before the fifteenth day of the quarter following the quarter in which

Page 12

the claim is filed with the department. For trailers or semitrailers issued a multiyear registration plate a refund shall be paid equal to the annual fee for twelve months times the remaining number of complete calendar registration years. Refunds for motor vehicles registered for prorated under chapter 326 shall be paid on the basis of unexpired complete calendar months remaining from the date the claim is filed with the department.

Sec. 25. Section 321.132, Code 1981, is amended to read as follows:

12 321.132 WHEN LIEN ATTACHES. The lien of the
13 original registration fee shall attach attaches, at
14 the time the same fee is first payable, as provided
15 by law, and the lien of all renewals of registration
16 shall attach on January 1 of each year thereafter
17 the first day of each succeeding registration year.

18 Sec. 26. Section 321.134, Code 1981, is amended
19 by striking the section and inserting in lieu thereof
20 the following:

21 321.134 MONTHLY PENALTY. On the first day of
22 the second month following the beginning of each
23 registration year a penalty of five percent of the
24 annual registration fee shall be added to the
25 registration fees not paid by that date and an
26 additional penalty of five percent shall be added
27 the first day of each succeeding month, until the
28 fee is paid. A penalty shall not be less than five
29 dollars. If the owner of a vehicle surrenders the
30 registration plates for a vehicle prior to the time
31 they expire, to the county treasurer of the county
32 where the vehicle is registered, or to the department
33 if the vehicle is registered under chapter 326, the
34 owner may register the vehicle any time thereafter
35 upon payment of the registration fee for the
36 registration year without penalty. The penalty on
37 vehicles registered under chapter 326 shall accrue
38 February 1 of each year.

39 The annual registration fee for trucks, truck
40 tractors, and road tractors, as provided in sections
41 321.121 and 321.122, may be payable in two equal
42 semiannual installments if the annual registration
43 fee exceeds the registration fee for a vehicle with
44 a gross weight exceeding five tons. The penalties
45 provided in the preceding unnumbered paragraph shall
46 be computed on the amount of the first installment
47 only and on the first day of the seventh month of
48 the registration period the same rate of penalty shall
49 apply to the second installment, until the fee is
50 paid. Semiannual installments shall not apply to

Page 13

1 commercial vehicles subject to proportional
2 registration, with a base state other than the state
3 of Iowa, as defined in section 326.2, subsection 6.
4 The penalty on vehicles registered under chapter 326
5 shall accrue August 1 of each year.

6 If a penalty applies to any vehicle registration
7 fee provided for in sections 321.121 and 321.122,
8 the same penalty shall be assessed on the fees
9 collected to increase the registered gross weight

10 of the vehicle, if the increased gross weight is
11 requested within forty-five days from the date the
12 delinquent vehicle is registered for the current
13 registration period.

14 Sec. 27. Section 321.149, Code 1981, is amended
15 to read as follows:

16 321.149 BLANKS. The department shall not later
17 than November 15 of each year prepare and furnish
18 the treasurer of each county all blank books, blank
19 forms, and all supplies required for the administration
20 of this chapter, including applications for
21 registration and transfer of vehicles, quadruple
22 quintuple receipts, and original remittance sheets
23 to be used in remitting fees to the department, in
24 such form as the department may prescribe. Contracts
25 for such the blank books, blank forms, and supplies
26 shall be awarded by the state superintendent of
27 printing board to persons, firms, partnerships, or
28 corporations engaged in the business of printing in
29 Iowa unless, or through them, such the persons, firms,
30 partnerships or corporations cannot provide the
31 required printing set forth in this section. In lieu
32 of purchasing under competitive bids the state
33 superintendent of printing board shall have authority
34 to arrange with the director of the division of
35 corrections of the department of social services to
36 furnish such the supplies as can be made in the state
37 institutions.

38 Sec. 28. Section 321.166, subsection 2, Code 1981,
39 is amended to read as follows:

40 2. Every registration plate or pair of plates
41 shall display a registration plate number which shall
42 consist of alphabetical or numerical characters or
43 a combination thereof and the name of this state,
44 which may be abbreviated. Every registration plate
45 issued by the county treasurer shall display the name
46 of the county except plates issued for motor trucks
47 with a combined gross weight exceeding five tons,
48 truck tractors, motorcycles, motorized bicycles,
49 travel trailers, mobile homes, semitrailers and
50 trailers. The year of expiration or the date of

Page 14

1 expiration shall be displayed on vehicle registration
2 plates, except plates issued under the provisions
3 of section 321.19. Registration plates issued for
4 motor trucks and truck tractors shall be designed
5 in such a manner that the gross weight for which the
6 vehicle is registered may be displayed on the plate.
7 Special truck registration plates shall display the

8 word "special".

9 Sec. 29. Section 321.166, Code 1981, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. The month of expiration of
12 registration, which may be abbreviated, shall be
13 displayed on vehicle registration plates issued by
14 the county treasurer. A distinctive emblem or
15 validation sticker may be prescribed by the department
16 to designate the month of expiration which shall be
17 attached to the embossed area on the plate located
18 at the lower corners of the registration plate.

19 Sec. 30. Section 321.167, Code 1981, is amended
20 by striking the section and inserting in lieu thereof
21 the following:

22 321.167 DELIVERY OF PLATES, STICKERS, AND EMBLEMS.

23 The department, upon requisition by the county
24 treasurer, shall provide vehicle registration plates,
25 validation stickers, and emblems as required for the
26 administration of this chapter. Vehicle registration
27 plates and validation stickers shall be provided to
28 the county treasurer in numerical sequence.

29 Sec. 31. Section 321.466, subsection 2, Code 1981,
30 is amended by striking the subsection.

31 Sec. 32. Section 321.466, subsections 3 and 4,
32 Code 1981, are amended to read as follows:

33 3. On During or after July 1 of each year the
34 seventh month of a current registration year, the
35 owner of a motor truck, truck tractor, road tractor,
36 semitrailer or trailer may, if his the owner's
37 operation thereof has not resulted in a conviction
38 or action pending under this section or an action
39 then pending against him for violation of the same,
40 increase the gross load weight of any such the vehicle
41 to a higher gross weight classification by payment
42 of one-twelfth of the difference between the annual
43 fee for the higher gross weight and the amount of
44 the fee for the gross weight at which it is registered,
45 multiplied by the number of unexpired months of the
46 registration year.

47 4. Upon conversion of a truck to a truck tractor
48 or a truck tractor to a truck, an increased gross
49 weight registration of the proper type may be obtained
50 for any such the vehicle by payment, except as provided

Page 15

1 in section 321.106, of one-twelfth of the difference
2 between the annual fee for the higher gross weight
3 and the amount of the annual fee for the gross weight
4 at which the vehicle is registered, multiplied by
5 the number of unexpired months of the registration

6 year from the date of such the conversion.

7 Sec. 33. Section 805.8, subsection 2, paragraph
8 b, Code 1981, as amended by Acts of the Sixty-ninth
9 General Assembly, 1981 Session, chapter 103, section
10 9, is amended to read as follows:

11 b. For registration violations under sections
12 321.32, 321.34, 321.37, 321.38, and 321.41 the
13 scheduled fine is five dollars. For violations of
14 sections 321.34 and 321.37 the case shall be dismissed
15 without imposition of fine or costs if a license or
16 registration valid at the time of the issuance of
17 the citation is presented by the defendant to the
18 magistrate or scheduled violations office.

19 Sec. 34. Chapter 321, Code 1981, is amended by
20 adding the following new section:

21 **NEW SECTION. MULTIPLE REGISTRATION PERIODS AND**
22 **ADJUSTMENTS.**

23 1. There are established twelve registration
24 periods for the registration of vehicles by the county
25 treasurer. Each registration period shall commence
26 on the first day of each calendar month following
27 the month of the birth of the owner of the vehicle
28 and end on the last day of the twelfth month. Every
29 vehicle registered by the county treasurer shall be
30 registered for a full twelve-month period, except
31 mobile homes that are registered on a semiannual
32 basis, vehicles registered under sections 321.24 or
33 321.46, vehicles registered under chapter 326, and
34 trucks with a gross weight exceeding five tons which
35 may be registered on a semiannual basis.

36 2. The county treasurer may adjust the renewal
37 or expiration date of vehicles when deemed necessary
38 to equalize the number of vehicles registered in each
39 twelve-month period or for the administrative
40 efficiency of the county treasurer's office. The
41 adjustment shall be accomplished by delivery of a
42 written notice to the vehicle owner of the adjustment
43 and allowance of a credit for the remaining months
44 of the unused portion of the registration fee, rounded
45 to the nearest whole dollar, which amount shall be
46 deducted from the annual registration fee due at the
47 time of registration. Upon receipt of the notification
48 the owner shall, within thirty days, surrender the
49 registration card and registration plates to the
50 county treasurer of the county where the vehicle is

Page 16

1 registered, except that the registration plates shall
2 not be surrendered if validation stickers or other
3 emblems are used to designate the month and year of
4 expiration of registration. Upon payment of the
5 annual registration fee, less the credit allowed for
6 the remaining months of the unused portion of the
7 registration fee, the county treasurer shall issue
8 a new registration card and registration plates,
9 validation stickers, or emblems which indicate the
10 month and year of expiration of registration.

11 3. Vehicles subject to registration which are
12 owned by a person other than a natural person shall
13 be registered for a registration year as determined
14 by the county treasurer.

15 Sec. 35. Chapter 321, Code 1981, is amended by
16 adding the following new section:

17 **NEW SECTION. IMPLEMENTATION OF TWELVE-MONTH**

18 **REGISTRATION PERIOD.** To implement the change from
19 calendar year registration to the system provided
20 for in section 33 of this Act, the vehicles registered
21 by the county treasurer on or after December 1, 1983,
22 shall be registered as follows:

23 1. Vehicle registrations which are not delinquent
24 may be registered on or after December 1, 1983 up
25 to and including January 31, 1984 without penalty.
26 Registration fees paid on or after February 1, 1984
27 shall be subject to a penalty equal to five percent
28 of the annual registration fee and an additional
29 penalty of five percent shall be added the first day
30 of each succeeding month, until the fee is paid.

31 2. Vehicles shall be registered for the
32 registration year as defined in section 2 of this
33 Act. If the registration year of the vehicle is for
34 a period of less than twelve months, the registration
35 fee shall be prorated for the remaining unexpired
36 months, except as provided in subsection 3.

37 3. The owner of a vehicle for which the
38 registration year begins on February 1 may elect to
39 register the vehicle for a period of one month or
40 thirteen months. The owner of a vehicle for which
41 the registration year begins on March 1 may elect
42 to register the vehicle for a period of two months
43 or fourteen months. The owner of a vehicle for which
44 the registration year begins on April 1 may elect
45 to register the vehicle for a period of three months
46 or fifteen months.

47 Sec. 36. Section 27 of this Act which requires
48 the issuance of registration plates which display
49 the name of the county for motor trucks with a combined
50 gross weight of five tons or less and section 28 of

Page 17

- 1 this Act which requires an embossed area on the lower
- 2 corners of the registration plate shall take effect
- 3 for the next registration year for which the department
- 4 issues new registration plates and shall apply
- 5 thereafter.
- 6 Sec. 37. Sections 321.69, 321.107, and 321.114,
- 7 Code 1981, are repealed.
- 8 Sec. 38. This Act takes effect December 1, 1983."
- 9 2. Amend the title, lines 1 and 2, by striking
- 10 the words "and licensing for the operation of".

Holt of Clay asked and received unanimous consent to withdraw amendment H—5417, to Senate amendment H—5398, filed by Lind of Black Hawk on March 15, 1982.

Schnekloth of Scott moved that the House concur in Senate amendment H—5398.

The motion prevailed and the House concurred in Senate amendment H—5398.

Schnekloth of Scott 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. 808)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clements
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Pope
Renaud	Renken	Ritsema	Rosenberg

Running	Schneklath	Schroeder	Shull
Smalley	Smith	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 5:

Clark, J. H.	Knapp	McKean	Poney
Spear			

Absent or not voting, 7:

Cochran	Hall	Halvorson, R. A.	Harbor
Lind	Rapp	Walter	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 118

Mullins of Kossuth called up for consideration of House Concurrent Resolution 118, relating to criteria adopted by the 1980 Legislative Policy on the Family Subcommittee and found on pages 542-543 of the House Journal.

De Groot of Lyon offered the following amendment H—5487 filed by De Groot, et al., and moved its adoption:

H—5487

1 Amend House Concurrent Resolution 118 as follows:

2 1. By striking page 1, line 1 through page 2,
3 line 10 and by inserting in lieu thereof the follow-
4 ing:

5 "Whereas, we recognize the family as the primary
6 unit of society; and

7 Whereas, the policies of the state should uphold
8 the independence and integrity of the family; and

9 Whereas, the well-being of family members is the
10 responsibility of the family; and families are

11 expected, whenever possible, to determine and imple-
12 ment solutions to the problems affecting them; and

13 Whereas, it shall be the policy of the state to
14 encourage neighborhood, church and community-based
15 resources to provide support to families in need;
16 and

17 Whereas, the actions of government in Iowa should
18 not, without compelling cause, interfere in the
19 private concerns of families; Now Therefore,

20 Be It Resolved by the House of Representatives,

21 *the Senate Concurring*, That legislators, legislative
22 committees and subcommittees, and private citizens'
23 groups are urged to evaluate the impact of proposed
24 legislation on Iowa families with primary considera-
25 tion for the stability and well-being of Iowa
26 families."

A non-record roll call was requested.

The ayes were 25, nays 61.

Amendment H—5487 lost.

Mullins of Kossuth moved the adoption of House Concurrent Resolution 118.

A non-record roll call was requested.

The ayes were 62, nays 26.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 123, declaring March 21 through March 27, 1982, as "Iowa Nutrition Week".

Also: That the Senate has on January 28, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 525, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2187, a bill for an act relating to costs incurred for a mobile home space when a tenant abandons the mobile home.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2236, a bill for an act relating to expenditures for assessment appeals.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2242, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2250, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code or the Acts.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to marriage solemnization fees.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2260, a bill for an act relating to coal mining.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2261, a bill for an act relating to the cancellation of outstanding warrants.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2267, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college.

K. MARIE THAYER, Secretary

COMMUNICATION FROM SECRETARY OF STATE

March 19, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that House File 2336 was published in The Daily Iowan, Iowa City, Iowa on March 18, 1982 and in The Sioux City Journal, Sioux City, Iowa on March 18, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATION OF VOTE

I was necessarily absent from the House chamber. Had I been present, I would have voted "aye" on House Files 2437 and 2442 and House Concurrent Resolution 116.

HOWELL of Floyd

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-two sixth grade students from Phillips Elementary School, Des Moines, accompanied by Marcia Johnson. By Connors of Polk.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

OFFICE FOR PLANNING AND PROGRAMMING

The third annual report on the Iowa Juvenile Victim Restitution Program, pursuant to Chapter 7A.10, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 2456

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

Senate File 2195

Commerce: Johnson of Linn, Chair; Schroeder and Chiodo.

Senate File 2208

Commerce: Johnson of Linn, Chair; Schroeder and Chiodo.

Senate File 2212

Commerce: Hansen of O'Brien, Chair; Renken and Baxter.

Senate File 2221

Agriculture: Cook, Chair; Corey and Knapp.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 2120, a bill for an act relating to the amount of land owned by a merged area.

Fiscal note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5491.

AMENDMENTS FILED

H—5491	S.F. 2232	Committee on Judiciary and Law Enforcement
H—5493	H.F. 2465	Clements of Scott
H—5494	H.F. 2389	Johnson of Linn
H—5495	H.F. 2433	Arnould of Scott
H—5496	S.F. 2252	Trucano of Polk
	Swearingen of Keokuk	Brandt of Black Hawk
	Doderer of Johnson	Woods of Polk
	Lageschulte of Bremer	Dieleman of Marion
		Chiodo of Polk
H—5497	S.F. 2210	Connors of Polk
		Running of Linn
H—5498	H.F. 2425	De Groot of Lyon
		Byerly of Polk
H—5499	H.F. 2393	Clements of Scott
H—5500	H.F. 84	Smalley of Polk
H—5501	S.F. 2186	Spear of Lee

On motion by Pope of Polk, the House adjourned at 11:55 a.m., until 10:00 a.m., Monday, March 22, 1982.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day -- Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 22, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Michael Kalstrup, pastor of the Fellowship of Faith Church, Oakland.

The Journal of Friday, March 19, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Zoutendam, Sheldon.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Howard, for March 22 and 23, 1982, on request of Renken of Grundy; Davitt of Warren on request of Dieleman of Marion; Egenes of Story on request of Clark of Lee; Renaud of Polk on request of Woods of Polk.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems.

Also: That the Senate has on March 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2265, a bill for an act providing for the compensation of innocent victims of criminal acts.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2268, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2271, a bill for an act relating to the number of signatures necessary for nominations by petition for certain elective offices.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2274, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2277, a bill for an act relating to the regulation of traffic on secondary roads.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act relating to obscenity offenses and providing penalties.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act relating to the contract price for construction of a public improvement which requires a bond.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act to establish the Terrace Hill authority.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2283, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2287, a bill for an act to limit the application of the importation and inspection regulations of the Iowa crop pest Act to persons in the business of selling or transporting plants and plant products.

Also: That the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2290, a bill for an act requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

K. MARIE THAYER, Secretary

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Hoffmann-Bright of Muscatine offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Wilmot C. Hendrix of Muscatine County, who was a member of the Fifty-second, Fifty-second Extra, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh General Assemblies, passed away January 19, 1982; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character, and service to the state.

The motion prevailed and the Speaker appointed as such committee Hoffmann-Bright of Muscatine, Corey of Louisa and Spear of Lee.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Sturgeon of Woodbury offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable John M. Naughton of Woodbury County, who was a member of the Fifty-seventh and Fifty-eighth General Assemblies, passed away August 31, 1981; *Now Therefore*,

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Sturgeon of Woodbury, Johnson of Woodbury and O'Kane of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Sullivan of Van Buren offered the following House Memorial Resolution and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable Thomas O. Nutt of Van Buren County, who was a member of the Fifty-seventh and Fifty-eighth General Assemblies, passed away March 10, 1982; *Now Therefore;*

Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character, and service to the state.

The motion prevailed and the Speaker appointed as such committee Sullivan of Van Buren, Gettings of Wapello and Clark of Lee.

CONSIDERATION OF BILLS Regular Calendar

House File 2452, a bill for an act relating to the cost of legalizing bills, with report of committee recommending passage was taken up for consideration.

The following amendment H-5502 filed by Bruner of Story from the floor was adopted by unanimous consent:

H-5502

- 1 Amend House File 2452, as follows:
- 2 1. Page 1, line 4, by striking the word "be"
- 3 and inserting in lieu thereof the following: "be is"

Smalley of Polk moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2452)

The ayes were, 51:

Arnould	Bennett	Brandt	Bruner
Carl	Carpenter	Clark, B. J.	Clements
Conlon	Connolly	Cook	Corey
Diemer	Doderer	Fey	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Hummel	Jay	Jochum	Johnson, W.
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	Menke
Pelton	Poffenberger	Pope	Rapp
Ritsema	Rosenberg	Running	Schneklloth
Smalley	Smith	Spear	Swartz
Swearingen	Tofte	Trucano	Walter
Welden	Welsh	Mr. Speaker	

The nays were, 43:

Anderson, J.	Anderson, R.	Avenson	Baxter
Binneboese	Branstad	Chiodo	Clark, J. H.
Cochran	Connors	Crabb	Daggett
Danker	De Groot	Dieleman	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Harbor	Horn	Howell	Johnson, R.
Knapp	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poncy	Renken	Schroeder
Shull	Stueland	Sturgeon	Sullivan
Tyrrrell	Van Maanen	Woods	

Absent or not voting, 5:

Byerly	Davitt	Egenes	Johnson, J.
Renaud			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2433, a bill for an act requiring food service establishments that serve imported meat or meat products to list the type of meat in the products, and providing penalties, with report of committee recommending passage was taken up for consideration.

Arnould of Scott offered amendment H—5495 filed by him as follows:

H—5495

- 1 Amend House File 2433 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Sec. 2. Chapter 170A, Code 1981, is amended by
- 5 adding the following new section:
- 6 NEW SECTION. A food service establishment which
- 7 uses monosodium glutamate in the food it serves shall
- 8 note on its menu which foods contain monosodium
- 9 glutamate by use of an asterisk immediately following
- 10 the name of the food. The menu shall state in a
- 11 conspicuous place and in a type or lettering not
- 12 smaller than that normally used to list other food
- 13 items that those foods denoted by an asterisk contain
- 14 monosodium glutamate. The manager and owner of a
- 15 food service establishment in violation of this section
- 16 are each guilty of a simple misdemeanor as provided
- 17 in section 170A.13."

Cook of Hardin rose on a point of order that amendment H—5495 was not germane.

The Speaker ruled the point well taken and amendment H—5495 not germane.

Arnould of Scott moved that the rules be suspended to adopt amendment H—5495.

A non-record roll call was requested.

The ayes were 42, nays 48.

The motion lost.

Corey of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2433)

The ayes were, 61:

Anderson, J.
Bennett
Chiodo
Cook

Anderson, R.
Binneboese
Clements
Corey

Avenson
Branstad
Cochran
Crabb

Baxter
Carpenter
Connors
Daggett

Danker	De Groot	Diemer	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Horn	Howell	Jay
Jochum	Knapp	Lageschulte	Maulsby
McKean	Menke	O'Kane	Oxley
Pellett	Pelton	Petrick	Poncy
Pope	Rapp	Renken	Running
Schnekloth	Shull	Smalley	Spear
Stueland	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Mr. Speaker			

The nays were, 33:

Arnould	Brandt	Bruner	Carl
Clark, B. J.	Clark, J. H.	Conlon	Connolly
Dieleman	Doderer	Fey	Holt
Hummel	Johnson, R.	Johnson, W.	Krewson
Lind	Lloyd-Jones	Loneragan	Mann
Mullins	Norland	Pavich	Poffenberger
Ritsema	Rosenberg	Schroeder	Smith
Sturgeon	Tofte	Welden	Welsh
Woods			

Absent or not voting, 5:

Byerly	Davitt	Egenes	Johnson, J.
Renaud			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2465 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2465 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 2413**, a bill for an act relating to the expungement of records of certain misdemeanors, and amendment H—5357B, found on page 748 of the House Journal.

Doderer of Johnson offered the following amendment H—5371, to amendment H—5357B, filed by Doderer, et al., and moved its adoption:

H—5371

- 1 Amend amendment H—5357 to House File 2413 as
- 2 follows:
- 3 1. Page 1, by striking lines 3 and 4 and inserting
- 4 in lieu thereof the following:

5 "2. Page 1, by striking lines 32 and 33."

Amendment H—5371, to amendment H—5357B, was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5357B, as amended.

Amendment H—5357B, as amended, was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2413)

The ayes were, 80:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Cook	Corey
Crabb	Daggett	Danker	Diemer
Doderer	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
McKean	Menke	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renken	Rosenberg	Running
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Trucano	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 13:

Branstad	Clements	De Groot	Dieleman
Johnson, W.	Knapp	Mann	Maulsby
Ritsema	Schneklloth	Tofte	Tyrrell
Van Maanen			

Absent or not voting, 6:

Byerly	Davitt	Egenes	Johnson, J.
Mullins	Renaud		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 84, a bill for an act relating to the definition of surviv-

ing spouse for the firemen's and policemen's pensions funds, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3084 filed by him on February 13, 1981 and moved its adoption:

H—3084

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by inserting before line 1 the following:
- 3 "Section . Section 410.10, subsection 1, is
- 4 amended to read as follows:
- 5 1. To the surviving spouse, so long as said spouse
- 6 remains unmarried and of good moral character, a sum
- 7 equal to one-half of the deceased member's total adjusted
- 8 pension as provided for in section 410.6, but in no
- 9 event less than seventy-five dollars per month."
- 10 2. Renumber the sections as necessary.

Amendment H—3084 was adopted.

Spear of Lee offered amendment H—3085 filed by him on February 13, 1981 and requested division as follows:

H—3085

- 1 Amend House File 84 as follows:

H—3085A

- 2 1. Page 1, line 5, by striking the word "only" and
- 3 inserting in lieu thereof the word "only".

H—3085B

- 4 2. Page 1, line 13, by inserting after the word
- 5 "member," the following: "or of a marriage of a retired
- 6 member contracted prior to March 2, 1934."

Spear of Lee moved the adoption of amendment H—3085A.

Amendment H—3085A was adopted.

Spear of Lee moved the adoption of amendment H—3085B.

Amendment H—3085B was adopted.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—3088.

Spear of Lee offered the following amendment H—3129 filed by him on February 23, 1981 and moved its adoption:

H—3129

- 1 Amend House File 84 as follows:
- 2 1, Page 1, by striking lines 20 and 21 and
- 3 inserting in lieu thereof the following: "active
- 4 service, or by a member now retired prior to March
- 5 2, 1934."

Amendment H—3129 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3088 filed by Spear of Lee on February 13, 1981 and amendment H—3089 filed by Spear of Lee on February 16, 1981, both found on page 2298 of the 1981 House Journal.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5066, filed by Doderer and Johnson of Linn on February 5, 1982.

Doderer of Johnson offered the following amendment H—5075 filed by her and moved its adoption:

H—5075

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "Sec. . . There is appropriated from the general
- 5 fund of the state to the municipal assistance fund
- 6 established in chapter 405 for each fiscal year an
- 7 amount necessary to be distributed to cities which
- 8 have established fire and police pension funds under
- 9 this chapter in order to pay the additional costs
- 10 of benefits provided in section 1 of this Act. The
- 11 actuary employed by the respective board of trustees
- 12 of the pension fund shall transmit to the state
- 13 comptroller the costs of the benefits provided in
- 14 section 1 of this Act and the state comptroller shall
- 15 pay the amount submitted to each city from funds in
- 16 the municipal assistance fund."
- 17 2. By numbering as necessary.

Amendment H—5075 lost.

Smalley of Polk offered the following amendment H—5500 filed by him and moved its adoption:

H—5500

- 1 Amend House File 84 as follows:
- 2 1. Page 1, by inserting after line 21 the following
- 3 section:
- 4 "Sec. . . Pensions payable under chapter 410
- 5 because of section 1 of this Act are not retroactive
- 6 and shall commence July 1, 1982."
- 7 2. By numbering sections as necessary.

Amendment H—5500 was adopted.

The following amendment H—5504 filed by Smalley of Polk from the floor was adopted by unanimous consent:

H—5504

- 1 Amend House File 84, as follows:
- 2 1. Title page, by striking lines 1 and 2, and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to pensions under firemen's and
- 5 policemen's pension funds."

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 84)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connors	Cook
Corey	Crabb	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean

Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 6:

Byerly	Connolly	Davitt	Egenes
Johnson, J.	Renaud		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

House File 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation, with report of committee recommending passage was taken up for consideration.

Clements of Scott offered the following amendment H—5499 filed by him and moved its adoption:

H—5499

- 1 Amend House File 2393 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. NEW SECTION. CHILD ABUSE PREVENTION
- 5 PROGRAM.
- 6 1. A program for the prevention of child abuse
- 7 is established within the state department of social
- 8 services. Any moneys appropriated by the general
- 9 assembly for child abuse prevention shall be used
- 10 by the department of social services solely for the
- 11 purposes of child abuse prevention and shall not be
- 12 expended for treatment or other service delivery
- 13 programs regularly maintained by the department.
- 14 Moneys appropriated for child abuse prevention shall

15 be used by the department through contract with an
16 agency or organization which shall administer the
17 funds with maximum use of voluntary administrative
18 services for the following:

19 a. Matching federal funds to purchase services
20 relating to community-based programs for the prevention
21 of child abuse and neglect.

22 b. Funding the establishment or expansion of
23 community-based prevention projects or educational
24 programs for the prevention of child abuse and neglect.

25 c. To study and evaluate community-based prevention
26 projects and educational programs for the problems
27 of families and children.

28 Funds for the programs or projects shall be applied
29 for and received by a community-based volunteer
30 coalition or council.

31 2. The commissioner of social services may accept
32 grants, gifts, and bequests from any source for the
33 purposes designated in subsection 1. The commissioner
34 shall remit funds so received to the treasurer of
35 state who shall deposit them in the general fund of
36 the state for the use of the child abuse prevention
37 program.

38 3. The child abuse prevention program advisory
39 council is created consisting of five members appointed
40 by and serving at the pleasure of the governor. Two
41 members shall be appointed on the basis of expertise
42 in the area of child abuse and neglect, and three
43 members shall be private citizens. The council shall
44 select its own chairperson and shall serve without
45 compensation or reimbursement for expenses.

46 4. The advisory council shall:

47 a. Advise the commissioner of social services
48 and the director of the division of the department
49 of social services responsible for child and family
50 programs regarding expenditures of funds received

Page 2

1 for the child abuse prevention program.

2 b. Require reports from state agencies and other
3 entities as necessary to perform its duties.

4 c. Receive and review complaints from the public
5 concerning the operation and management of the child
6 abuse prevention program.

7 d. Approve grant proposals.

8 Sec. 2. NEW SECTION. A physician licensed under
9 chapter 148 or 150A shall remit to the treasurer of
10 state one hundred dollars for each abortion performed
11 by the physician. A clinic or a hospital defined
12 pursuant to section 135B.1 shall remit to the treasurer

13 of state one hundred dollars for each abortion
14 performed in the clinic or hospital. The treasurer
15 of state shall deposit the funds so received in the
16 general fund of the state.

17 Sec. 3. There is appropriated from the general
18 fund of the state to the department of social services
19 for the fiscal year beginning July 1, 1982 and ending
20 June 30, 1983, one hundred ten thousand (110,000)
21 dollars or so much thereof as is necessary for the
22 child abuse prevention program."

23 2. Title page, lines 2 and 3, by striking the
24 words "providing an increase in certain fees" and
25 inserting in lieu thereof the words "charging a fee
26 to physicians and clinics and hospitals for abortions
27 performed".

A non-record roll call was requested.

The ayes were 18, nays 75.

Amendment H—5499 lost.

Brandt of Black Hawk offered amendment H—5441 filed by
Brandt and Lageschulte as follows:

H—5441

- 1 Amend House File 2393 as follows:
- 2 1. Page 2, by inserting after line 19, the
- 3 following new section:
- 4 "Sec. . Section 232.71, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. If a report is received from the
- 7 same person regarding the abuse of the same child
- 8 and identifying the same person responsible for the
- 9 child more than three times, the department may
- 10 determine whether the report is spurious and may use
- 11 its discretion whether to investigate the report."
- 12 2. By renumbering as necessary.

Poffenberger of Dallas rose on a point of order that amendment
H—5441 was not germane.

The Speaker ruled the point well taken and amendment
H—5441 not germane.

Brandt of Black Hawk moved that the rules be suspended to
adopt amendment H—5441.

A non-record roll call was requested.

The ayes were 37, nays 50.

The motion lost.

Clements of Scott asked and received unanimous consent to withdraw amendment H—5362 filed by him on March 9, 1982.

Welden of Hardin offered the following amendment H—5481 filed by him and moved its adoption:

H—5481

- 1 Amend House File 2393 as follows:
- 2 1. By striking page 2, line 20 through page 3,
- 3 line 6.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 26, nays 60.

Amendment H—5481 lost.

Daggett of Taylor in the chair at 12:05 p.m.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Danker	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Horn	Howell

Hummel	Jay	Jochum	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker (Daggett)		

The nays were, 2:

Clements	Lind
----------	------

Absent or not voting, 7:

Byerly	Davitt	Egenes	Holt
Johnson, J.	Renaud	Smalley	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 84)

Pope of Polk asked and received unanimous consent to immediately message House File 84 to the Senate.

INTRODUCTION OF BILL

House File 2472, by committee on judiciary and law enforcement, a bill for an act to legalize the proceedings of the Grinnell-Newberg community school district relating to the sale of certain property.

Read first time and placed on the calendar.

SENATE MESSAGES CONSIDERED

Senate File 403, by committee on transportation, a bill for an act relating to ways condemned by landowners having no access to their property.

Read first time and referred to committee on **transportation**.

Senate File 525, by committee on commerce, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions.

Read first time and referred to committee on **commerce**.

Senate File 2178, by committee on state government, a bill for an act relating to the administration and benefits of public retirement systems.

Read first time and referred to committee on **state government**.

Senate File 2187, by Ramsey, a bill for an act relating to costs incurred for a mobile home space when a tenant abandons the mobile home.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2202, by committee on judiciary, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2220, committee on commerce, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Read first time and referred to committee on **commerce**.

Senate File 2231, by committee on transportation, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

Read first time and **passed on file.**

Senate File 2235, by committee on natural resources, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

Read first time and referred to committee on **natural resources.**

Senate File 2236, by committee on county government, a bill for an act relating to expenditures for assessment appeals.

Read first time and referred to committee on **county government.**

Senate File 2242, by committee on commerce, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes.

Read first time and referred to committee on **commerce.**

Senate File 2250, by committee on rules and administration, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code or the Acts.

Read first time and **passed on file.**

Senate File 2256, by committee on transportation, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

Read first time and referred to committee on **transportation.**

Senate File 2259, by committee on judiciary, a bill for an act relating to marriage solemnization fees.

Read first time and referred to committee on **state government.**

Senate File 2260, by committee on natural resources, a bill for an act relating to coal mining.

Read first time and referred to committee on **natural resources.**

Senate File 2261, by committee on county government, a bill for an act relating to the cancellation of outstanding warrants.

Read first time and referred to committee on **county government**.

Senate File 2266, by committee on judiciary, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2267, by committee on judiciary, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication.

Read first time and referred to committee on **judiciary and law enforcement**.

MOTION TO RECONSIDER WITHDRAWN
(House File 2387)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2387, a bill for an act relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act, filed on March 9, 1982.

MOTIONS TO RECONSIDER
(House File 2452)

I move to reconsider the vote by which House File 2452 passed the House on March 22, 1982.

SWARTZ of Marshall

(House File 2433)

I move to reconsider the vote by which House File 2433 passed the House on March 22, 1982.

CRABB of Crawford

(House File 2393)

I move to reconsider the vote by which House File 2393 passed the House on March 22, 1982.

POFFENBERGER of Dallas.

HOUSE CONCURRENT RESOLUTION 133

By Connors, Chiodo, Woods, Renaud, Byerly, Pope, Trucano, Krewson, Smalley, Rosenberg, Carpenter, Anderson of Jasper

- 1 *Whereas*, the Des Moines Zoo Foundation was
- 2 incorporated in July, 1981, to establish a quality
- 3 zoo for the state of Iowa; and
- 4 *Whereas*, the Foundation has undertaken research
- 5 and formulated plans to build such a zoo for the
- 6 state on the site of the present Des Moines Zoo; and
- 7 *Whereas*, the Foundation has mobilized citizens
- 8 and organized a state-wide 2.5 million dollar fund
- 9 drive to finance the zoo; and
- 10 *Whereas*, the Governor of Iowa, on March 2, 1982,
- 11 participated in the ceremonies to inaugurate this
- 12 new zoo; *Now Therefore*,
- 13 *Be It Resolved by the House of Representatives*,
- 14 *the Senate Concurring*, That this General Assembly
- 15 declare this new zoo to be the official zoo for the
- 16 state of Iowa.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 134

By Trucano and Krewson

- 1 *Whereas*, the cities and counties of this state have
- 2 the authority and are presently exercising that
- 3 authority to issue revenue bonds for public purposes;
- 4 and
- 5 *Whereas*, the federal treasury loses tax revenues
- 6 because of the exclusion of interest from certain
- 7 revenue bonds issued by cities and counties under

8 section 103 of the Internal Revenue Code of 1954 and
9 in effect is subsidizing the purposes for which these
10 revenue bonds are being issued; and

11 *Whereas*, the current and preceding Congress and
12 administrations have considered the growing use of
13 revenue bonds by states and their political subdivi-
14 sions and the effect of such use on the federal
15 treasury and have proposed or suggested legislation
16 that would limit the amount and use of revenue
17 bonds; and

18 *Whereas*, any limitations placed on the amount or
19 use of revenue bonds will have an impact within this
20 state, the impact is very difficult to determine for
21 any limitation or proposed limitation since the
22 frequency of the use of revenue bonds and the amount
23 and purposes of the bonds issued by cities and
24 counties are not known; *Now Therefore*,

25 *Be It Resolved by the House of Representatives,*
26 *the Senate Concurring*, That the Legislative Council
27 request that the Iowa State Association of Counties
28 and the League of Municipalities send out questionnaires
29 to all counties and cities in the state requesting
30 that the county or city provide information as to the

Page 2

1 principal amount of revenue bonds outstanding on
2 July 1, 1982, the principal amount of revenue bonds
3 issued during the preceding five fiscal years and
4 the purposes for which these bonds were issued. The
5 information compiled shall be presented to the
6 General Assembly in January, 1983.

Laid over under Rule 30.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of March, 1982: House Files 469, 505, 2003, 2067, 2147, 2348 and 2377.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PROOFS OF PUBLICATION
(House File 2472)

Published copy of House File 2472 and verified proof of publication of said bill in the Grinnell Herald-Register, a semi-weekly newspaper published in Grinnell, Poweshiek County, Iowa, on February 8, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

(Senate File 2267)

Published copy of Senate File 2267 and verified proof of publication of said bill in the Council Bluffs Nonpareil, a daily newspaper published in Council Bluffs, Pottawattamie County, Iowa and in The Red Oak Express, a semi-weekly newspaper published in Red Oak, Montgomery County, Iowa, on February 26, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 22, 1982. Had I been present, I would have voted "aye" on House File 84.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on Thursday afternoon, March 18, 1982 and Friday morning, March 19, 1982. Had I been present, I would have voted "aye" on House Files 808, 2154, 2437, 2441 and 2463.

LIND of Black Hawk

I was necessarily absent from the House chamber on March 15, 16, and 17, 1982. Had I been present, I would have voted "aye" on House Files 2363, 2395, 2397, 2398, 2424, 2426, 2430, 2431, 2432 and 2435.

SHULL of Warren

PRESENTATION OF VISITORS

McKean of Jones presented to the House, Foreign Exchange Student, Asa Johansson from Jarna, Sweden. She is staying with Mr. and Mrs. Russell Paulsen, Charlotte, Iowa.

Carpenter of Polk presented to the House, Foreign Exchange Student, Raimudo Salas from Mexico. He is staying with Stephen Vickery of Des Moines.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1982-12	Don Holmes Iowa's 1982 Wrestling Official of the Year
1982-13	Bondurant-Farrar Wrestlers Earned second place in the 1982 Class 1-A State Wrestling Tournament
1982-14	Gifford and Tracy Downs Rendered vital assistance to a peace officer
1982-15	1982 Denison Monarchs Basketball Team Runners-up in the Iowa State 2A Basketball Championship

ELIZABETH A. ISAACSON
Chief Clerk of the House

AMENDMENTS FILED

H-5503	H.F. 2465	Schroeder of Pottawattamie
H-5505	H.F. 2350	Brandt of Black Hawk
		Spear of Lee
H-5506	H.F. 2465	Johnson of Linn
H-5507	H.F. 2462	Spear of Lee
H-5508	H.F. 2465	Schroeder of Pottawattamie
H-5509	H.F. 2469	Harbor of Mills
H-5510	H.F. 2386	Johnson of Linn
H-5511	S.F. 2204	Jay of Appanoose
		Conlon of Muscatine
H-5512	H.F. 2389	Sturgeon of Woodbury
H-5513	H.F. 2389	Johnson of Linn

On motion by Pope of Polk, the House adjourned at 12:23 p.m., until 9:00 a.m., Tuesday, March 23, 1982.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day—Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 23, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend John J. Hembry, pastor of the Vincent United Methodist Church, Vincent.

The Journal of Monday, March 22, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Wettach, Mt. Pleasant.

PETITIONS FILED

The following petitions were received and placed on file:

By Running of Linn, from forty constituents of the 27th District opposing Senate File 2243.

By Dieleman of Marion, from one hundred twenty four persons opposing Senate File 393.

SENATE MESSAGES CONSIDERED

Senate File 2268, by committee on judiciary, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2270, by committee on judiciary, a bill for an act relating to changes in the rules of civil procedure proposed by the

supreme court.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2271, by committee on state government, a bill for an act relating to the number of signatures necessary for nominations by petition for certain elective offices.

Read first time and referred to committee on **state government**.

Senate File 2274, by committee on human resources, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

Read first time and referred to committee on **human resources**.

Senate File 2277, by committee on county government, a bill for an act relating to the regulation of traffic on secondary roads.

Read first time and referred to committee on **county government**.

Senate File 2278, by committee on judiciary, a bill for an act relating to obscenity offenses and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2281, by committee on state government, a bill for an act relating to the contract price for construction of a public improvement which requires a bond.

Read first time and referred to committee on **state government**.

Senate File 2282, by committee on state government, a bill for an act to establish the Terrace Hill authority.

Read first time and referred to committee on **state government**.

Senate File 2283, by committee on state government, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

Read first time and referred to committee on **state government**.

Senate File 2285, by committee on state government, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

Read first time and referred to committee on **state government**.

Senate File 2287, by committee on agriculture, a bill for an act to limit the application of the importation and inspection regulations of the Iowa crop pest Act to persons in the business of selling or transporting plants and plant products.

Read first time and referred to committee on **agriculture**.

Senate File 2290, by committee on agriculture, a bill for an act requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

Read first time and referred to committee on **agriculture**.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 10:25 a.m., Speaker Stromer in the chair.

HOUSE FILE 2464 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2464 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers

and salespersons, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5435 filed by him on March 16, 1982.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holt of Clay, for a portion of the morning, on request of Crabb of Crawford.

Hummel of Benton asked and received unanimous consent to defer action on amendment H—5444.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5416 filed by him on March 15, 1982.

Schroeder of Pottawattamie offered amendment H—5448 filed by Schroeder, Smith and Harbor as follows:

H—5448

- 1 Amend House File 2439 as follows:
- 2 1. Page 1, by inserting after line 2 the following:
- 3 "Sec. . An auctioneer licensed by a county
- 4 under chapter 546, or whose name was listed with a
- 5 county board of supervisors as an auctioneer under
- 6 section 546A.2, subsection 2 between January 1, 1981,
- 7 and January 1, 1982, shall be granted an initial real
- 8 estate broker's license without passing a written
- 9 examination or otherwise meeting the requirements
- 10 of chapter 117 if the auctioneer demonstrates to the
- 11 commission that the auctioneer has completed a real
- 12 estate transaction within the last three years, and
- 13 if the application is made between July 1, 1982, and
- 14 January 1, 1983. The commission shall send a copy
- 15 of real estate licensing rules and regulations to
- 16 those persons who receive a real estate broker's
- 17 license under this section."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5457, to amendment H—5448, filed by him on March 17, 1982.

Hummel of Benton offered the following amendment H—5460, to amendment H—5448, filed by him and moved its adoption:

H—5460

- 1 Amend H—5448 to House File 2439 as follows:
- 2 1. Page 1, by striking lines 3 through 17 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. . Notwithstanding section 1 of this Act,
- 5 an auctioneer may continue to sell real estate while
- 6 acting in the capacity of an auctioneer if the
- 7 auctioneer receives a special permanent license from
- 8 the commission. In order to receive a special license,
- 9 the auctioneer shall apply prior to January 1, 1983,
- 10 and shall follow rules prescribed by the commission.
- 11 The commission shall have the authority to issue a
- 12 special permanent license to auctioneers who qualify
- 13 under this section. For the purposes of this section,
- 14 auctioneer means any auctioneer who has been employed
- 15 as and has received commissions for the sale of real
- 16 estate within three years prior to the effective date
- 17 of this Act."

A non-record roll call was requested.

The ayes were 37, nays 50.

Amendment H—5460, to amendment H—5448, lost.

Schroeder of Pottawattamie offered the following amendment H—5482, to amendment H—5448, filed by Schroeder, et al., and moved its adoption:

H—5482

- 1 Amend the amendment H—5448 to House File 2439 as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 17 and
- 4 inserting in lieu thereof the following:
- 5 "Sec. . The commission shall grant a real
- 6 estate broker's license to an auctioneer if the
- 7 auctioneer demonstrates to the commission that the
- 8 auctioneer has participated in a bona fide real estate
- 9 transaction within two years prior to the effective
- 10 date of this Act, and shall send a copy of real estate
- 11 licensing rules to an auctioneer who is granted a
- 12 license under this section. In order to receive a
- 13 real estate broker's license, the auctioneer shall

14 apply for the license between July 1, 1982, and January
 15 1, 1983, and shall pay the appropriate fee as provided
 16 in section 117.27."

Roll call was requested by Cochran of Webster and Schroeder of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H-5482, to amendment H-5448, be adopted?"

The ayes were, 46:

Anderson, J.	Anderson, R.	Baxter	Bennett
Byerly	Carpenter	Chiodo	Clark, J. H.
Cochran	Corey	Daggett	Danker
Davitt	Dieleman	Diemer	Egenes
Gross	Groth	Halvorson, R. A.	Hansen, I.
Harbor	Hoffmann-Bright	Horn	Jay
Johnson, R.	Krewson	Lind	Loneragan
Norland	Oxley	Pavich	Poncy
Running	Schroeder	Shull	Smalley
Smith	Sullivan	Swearingen	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 50:

Arnould	Binneboese	Brandt	Branstad
Bruner	Carl	Clark, B. J.	Clements
Conlon	Connolly	Connors	Cook
Crabb	De Groot	Doderer	Fey
Gettings	Hall	Halvorson, R. N.	Hanson, D.
Holt	Howell	Hummel	Jochum
Johnson, W.	Knapp	Lageschulte	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Mullins	O'Kane	Pellett	Pelton
Petrick	Poffenberger	Rapp	Renaud
Renken	Ritsema	Rosenberg	Schnekloth
Spear	Stueland	Sturgeon	Swartz
Tofte	Walter		

Absent or not voting, 3:

Avenson	Johnson, J.	Pope
---------	-------------	------

Amendment H-5482, to amendment H-5448, lost.

Speaker pro tempore Menke of O'Brien in the chair at 11:31 a.m.

MOTION TO RECONSIDER PREVAILED

Connolly of Dubuque called up for consideration the motion to reconsider the vote by which amendment H—5460, to amendment H—5448, failed to be adopted by the House, filed by him from the floor.

Schroeder of Pottawattamie asked for unanimous consent to defer action on the motion to reconsider the vote on amendment H—5460, to amendment H—5448.

Objection was raised.

On the motion to reconsider the vote on amendment H—5460, to amendment H—5448, a non-record roll call was requested.

The ayes were 48, nays 38.

The motion prevailed and the House reconsidered amendment H—5460, to amendment H—5448, found on page 956 of the House Journal.

The following amendment H—5525, to amendment H—5460 (to amendment H—5448), filed by Lloyd-Jones of Johnson from the floor was adopted by unanimous consent:

H—5525

- 1 Amend amendment H—5460 to amendment H—5448, to
- 2 House File 2439, as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "permanent".
- 5 2. Page 1, line 12, by striking the word
- 6 "permanent".

Schroeder of Pottawattamie asked for unanimous consent to defer action on amendment H—5460, as amended, to amendment H—5448.

Objection was raised.

Renaud of Polk asked for unanimous consent to strike the words "within three years" from line 16 of amendment H—5460, as amended, to amendment H—5448.

Objection was raised.

Hummel of Benton moved the adoption of amendment H—5460, as amended, to amendment H—5448.

A non-record roll call was requested.

The ayes were 33, nays 55.

Amendment H—5460, as amended, to amendment H—5448, lost.

Avenson of Fayette moved the House adjourn until 9:00 a.m., Wednesday, March 24, 1982.

The motion lost.

MOTION TO RECONSIDER PREVAILED

De Groot of Lyon called up for consideration the motion to reconsider the vote by which amendment H—5482, to amendment H—5448, failed to be adopted by the House, filed by him from the floor.

A non-record roll call was requested.

The ayes were 58, nays 37.

The motion prevailed and the House reconsidered amendment H—5482, to amendment H—5448, found on pages 956 and 957 of the House Journal.

Pelton of Clinton asked for unanimous consent to strike the word "broker" and insert the word "salesman" in line 6 of amendment H—5482, to amendment H—5448.

Objection was raised.

Pelton of Clinton moved to strike the word "broker" and insert the word "salesman" in line 6 of amendment H—5482, to amendment H—5448.

Byerly of Polk rose on a point of order that a motion to suspend the rules to consider was necessary for the Pelton motion, and therefore the motion was out of order.

The Speaker ruled the point well taken and the motion by Pelton of Clinton was out of order.

Doderer of Johnson asked unanimous consent to refer House File 2439 to committee on state government for consideration by the Professional and Occupational Regulation Commission.

Objection was raised.

Doderer of Johnson moved to refer House File 2439 to committee on state government for consideration by the Professional and Occupational Regulation Commission.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 38, nays 58.

The motion lost.

(House File 2439, and amendment H—5482, to amendment H—5448, pending at adjournment.)

HOUSE CONCURRENT RESOLUTION 135

By Lloyd-Jones, Clark of Cerro Gordo, Avenson, Corey, Brandt, Holt, Bruner, Tofte, Norland, Pelton, Spear, Carpenter, Davitt, Swearingen, Connors, Hanson of Delaware, Binneboese, Trucano, Halvorson of Webster, McKean, Doderer, Poffenberger, Connolly, Smith, Groth, Anderson of Audubon, Arnould, Halvorson of Clayton, Lonergan, Diemer, Jochum, Shull, Baxter, Johnson of Linn, Rapp, Mullins, Carl, Ritsema, Sullivan, Krewson, O'Kane, Clements, Jay, Running, Renken, Rosenberg, Knapp, Mann, Swartz and Howell

- 1 *Whereas*, the greatest challenge facing the earth is to
- 2 prevent the occurrence of nuclear war by accident or design;
- 3 and
- 4 *Whereas*, the nuclear arms race is dangerously increasing the
- 5 risk of a holocaust that would be humanity's final war; and
- 6 *Whereas*, a freeze followed by reductions in nuclear warheads,
- 7 missiles and other delivery systems is needed to halt the
- 8 nuclear arms race and to reduce the risk of nuclear war;
- 9 *Now Therefore*,
- 10 *Be It Resolved by the House of Representatives, the Senate*
- 11 *Concurring*, That the General Assembly petitions the President
- 12 of the United States and the Congress of the United States to
- 13 consider the following:

- 14 (1) As an immediate strategic arms control objective, the
15 United States and the Soviet Union should:
16 A. Pursue a complete halt to the nuclear arms race;
17 B. Decide when and how to achieve a mutual and verifiable
18 freeze on the testing, production and deployment of
19 nuclear warheads, missiles and other delivery systems;
20 and
21 C. Give special attention to destabilizing weapons whose
22 deployment would make such a freeze more difficult to
23 achieve.
24 (2) Proceeding from this freeze, the United States and the
25 Soviet Union should pursue major, mutual and verifiable
26 reductions in nuclear warheads, missiles and other delivery
27 systems through annual percentages or equally effective
28 means in a manner that enhances stability; and

Page 2

- 1 *Be It Further Resolved*, That copies of this resolution
2 be transmitted to the President of the United States and
29 to each member of the Iowa congressional delegation.

Laid over under Rule 30.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23rd day of March, 1982: House Files 759, 772, 2027, 2224, 2249, 2345, 2349 and 2358.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM SECRETARY OF STATE

March 22, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that Senate File 2080 was published in the Osceola Sentinel, Osceola, Iowa on March 11, 1982 and in The Rolfe Arrow, Rolfe, Iowa on March 18, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Oglesby. By Jay of Appanoose.

Twenty-three twelfth grade students from Monticello High School, Monticello, accompanied by Keith Stamp. By Knapp of Dubuque.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

UNITED STATES GENERAL ACCOUNTING OFFICE

A draft summary of work concerning the transition to block grants in Iowa by the United States General Accounting Office.

IOWA STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTE

Final Report on the coal research project as required by House File 734, Section 10, which was adopted by the Sixty-eighth General Assembly, 1979 Regular Session.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON HUMAN RESOURCES

Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5524.

AMENDMENTS FILED

H-5514	H.F. 2464	Harbor of Mills
H-5515	H.F. 2465	Schroeder of Pottawattamie
H-5516	H.F. 2421	Maulsby of Calhoun
H-5517	S.F. 503	Maulsby of Calhoun
H-5520	S.F. 2088	Maulsby of Calhoun
H-5521	S.F. 2088	Maulsby of Calhoun
H-5522	S.F. 2231	Hummel of Benton
H-5523	S.F. 2231	Poffenberger of Dallas
H-5524	S.F. 2245	Committee on Human Resources
H-5526	H.F. 2439	Pelton of Clinton
H-5527	H.F. 2460	Brandt of Black Hawk
		Lageschulte of Bremer
H-5528	S.F. 2283	Swearingen of Keokuk
H-5529	H.F. 2457	Hansen of O'Brien
H-5530	S.F. 2231	Spear of Lee
H-5531	S.F. 2203	Maulsby of Calhoun
H-5532	S.F. 393	Poffenberger of Dallas
		Mullins of Kossuth
		Pelton of Clinton
		Ritsema of Sioux
		Howell of Floyd
H-5533	S.F. 2203	Maulsby of Calhoun

On motion by Pope of Polk, the House adjourned at 12:08 p.m., until 10:00 a.m., Wednesday, March 24, 1982.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day—Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 24, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Wesley M. Snodgrass, pastor of the First United Presbyterian Church, Muscatine.

The Journal of Tuesday, March 23, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hubiak, Odebolt.

INTRODUCTION OF BILL

House File 2473, by committee on agriculture, a bill for an act declaring shattercane (sorghum bicolor) a secondary noxious weed.

Read first time and placed on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund.

Also: That the Senate has on March 22, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools.

Also: That the Senate has on March 24, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2294, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2247, by committee on education, a bill for an act to authorize the establishment of nonprofit foundations by the boards of area schools.

Read first time and passed on file.

Senate File 2265, by committee on judiciary, a bill for an act providing for the compensation of innocent victims of criminal acts, providing an appropriation, and providing penalties for fraudulent claims.

Read first time and referred to committee on judiciary and law enforcement.

HOUSE CONCURRENT RESOLUTION 136

By Crabb and Johnson of Woodbury

1 *Whereas*, the director of the department of job
2 service has informed the governor and the general
3 assembly, pursuant to the director's duty under section
4 96.11 of the Code of Iowa, that Iowa's unemployment
5 compensation trust fund will become insolvent on or
6 about the second week of April, 1982; and

7 *Whereas*, current projections indicate that the
8 unemployment compensation trust fund balance at the
9 end of 1982 will again be dangerously low, even if
10 advance moneys are received from the federal govern-
11 ment for the payment of unemployment compensation
12 during calendar year 1982; and

13 *Whereas*, the possible immediate and long-range
14 solutions to the low trust fund balance are numerous
15 and varied and involve complicated projections of
16 revenue, expenditures, and economic recovery through-
17 out calendar years 1982 and 1983; *Now Therefore*,

18 *Be It Resolved by the House of Representatives*,
19 *the Senate Concurring*, That the legislative council
20 is requested to appoint a joint subcommittee con-
21 sisting of members of the house and senate to monitor
22 the level of the unemployment compensation trust fund

23 and to study possible solutions to prevent trust fund
24 insolvency; and
25 *Be It Further Resolved*, That the joint subcommittee
26 report its findings and recommendations, including
27 legislative bill drafts, if any, to implement the recom-
28 mendations, to the legislative council and the general
29 assembly meeting in 1983.

Laid over under Rule 30.

The House stood at ease at 10:17 a.m., until the fall of the gavel.

The House resumed session at 10:51 a.m., Speaker Stromer in the chair.

BUSINESS PENDING AT ADJOURNMENT

Regular Calendar

The House resumed consideration of **House File 2439**, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, and amendment H-5482, to amendment H-5448, found on pages 956 and 957 of the House Journal.

Halvorson of Webster asked for unanimous consent to defer action on amendment H-5482, to amendment H-5448, in order to consider amendment H-5535, to amendment H-5448.

Objection was raised.

Halvorson of Webster moved to defer action on amendment H-5482, to amendment H-5448, in order to consider amendment H-5535, to amendment H-5448.

A non-record roll call was requested.

The ayes were 57, nays 31.

The motion prevailed and the House considered the following amendment H-5535, to amendment H-5448, filed by Halvorson of Webster from the floor who moved its adoption:

H-5535

1 Amend the amendment H-5448 to House File 2439 as

2 follows:

3 1. Page 1, by striking lines 3 through 17 and

4 inserting in lieu thereof the following:

5 "Sec. . Chapter 117, Code 1981, is amended

6 by adding the following new section:

7 **NEW SECTION. LIMITED REAL ESTATE BROKER'S LICENSE.**

8 The commission shall grant a limited real estate

9 broker's license to an auctioneer without examination

10 if the auctioneer demonstrates to the commission that

11 the auctioneer has participated in a bona fide real

12 estate transaction within two years prior to the

13 effective date of this Act, and shall send a copy

14 of real estate licensing rules to an auctioneer who

15 is granted a license under this section. In order

16 to receive a limited real estate broker's license,

17 the auctioneer shall apply for the license between

18 July 1, 1982, and January 1, 1983, and shall pay the

19 appropriate fee as provided in section 117.27.

20 For the purposes of this section, limited real

21 estate broker's license means a license issued by

22 the commission under this section that enables the

23 holder to sell real estate by auction. A holder of

24 a limited real estate broker's license is subject

25 to the rules of the commission relating to real estate

26 brokers."

Roll call was requested by Schroeder of Pottawattamie and Smith of Scott.

On the question "Shall amendment H-5535, to amendment H-5448, be adopted?"

The ayes were, 63:

Arnould	Baxter	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Daggett	Davitt	Dieleman	Doderer
Egenes	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Hanson, D.	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	Mullins	Norland	O'Kane
Oxley	Pelton	Poffenberger	Rapp
Renaud	Ritsema	Rosenberg	Running
Shull	Smalley	Spear	Stueland
Sturgeon	Sullivan	Swartz	Tofte
Trucano	Walter	Welsh	

The nays were, 33:

Anderson, J.	Bennett	Branstad	Cook
Corey	Crabb	Danker	De Groot
Diemer	Gross	Halvorson, R. A.	Hansen, I.
Harbor	Hoffmann-Bright	Johnson, R.	Lind
McKean	Menke	Pavich	Pellett
Petrick	Poney	Pope	Renken
Schnekloth	Schroeder	Smith	Swearingen
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

Absent or not voting, 3:

Anderson, R.	Avenson	Holt
--------------	---------	------

Amendment H—5535, to amendment H—5448, was adopted, placing out of order amendment H—5482, to amendment H—5448, as amended, filed by Schroeder, et al., and amendment H—5526, to amendment H—5482 (to amendment H—5448, as amended), filed by Pelton of Clinton on March 23, 1982.

Schroeder of Pottawattamie moved the adoption of amendment H—5448, as amended.

Amendment H—5448, as amended, was adopted.

Hummel of Benton offered the following amendment H—5444 filed by him and moved its adoption:

H—5444

- 1 Amend House File 2439, as follows:
- 2 1. Page 1, by inserting after line 2, the
- 3 following:
- 4 "Sec. 2. This Act takes effect January 1
- 5 following its enactment."

Amendment H—5444 was adopted.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2439)

The ayes were, 82:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Connolly	Connors	Cook
Corey	Daggett	Danker	Davitt
De Groot	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Mann	Maulsby	Menke
O'Kane	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Woods	Mr. Speaker		

The nays were, 15:

Conlon	Crabb	Dieleman	Harbor
Jay	Knapp	Lonergan	McKean
Mullins	Norland	Pavich	Van Maanen
Walter	Welden	Welsh	

Absent or not voting, 2:

Anderson, R.	Holt
--------------	------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

Regular Calendar

SENATE FILE 2252 SUBSTITUTED FOR HOUSE FILE 2444

Trucano of Polk asked and received unanimous consent to substitute Senate File 2252 for House File 2444.

Senate File 2252, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state, with report of committee recommending passage was taken up for consideration.

Trucano of Polk offered the following amendment H—5496 filed by Trucano, et al., and moved its adoption:

H—5496

- 1 Amend Senate File 2252, as follows:
- 2 1. Page 1, by striking lines 14 through 16, and
- 3 inserting in lieu thereof the following: "shall submit
- 4 a copy of the audit to the director. A licensed
- 5 substance abuse program is also subject to special
- 6 audits as the director requests. The licensed
- 7 substance abuse program".

Amendment H—5496 was adopted.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2252)

The ayes were, 95:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrreli	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 4:

Anderson, R.

Daggett

Holt

Pelton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Jasper, for March 24 and 25, on request of Cochran of Webster; Holt of Clay, for a portion of the morning session, on request of Crabb of Crawford.

House File 2464, a bill for an act relating to the Iowa small business loan program, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered the following amendment H—5514 filed by him and moved its adoption:

H—5514

- 1 Amend House File 2464 as follows:
- 2 1. Page 1, line 4, by striking the word "and"
- 3 and inserting in lieu thereof the word ",".
- 4 2. Page 1, line 5, by inserting after the word
- 5 "construction," the words "or both".
- 6 3. Page 1, line 7, by striking the words "and
- 7 construction" and inserting in lieu thereof the words
- 8 ", construction, or both".
- 9 4. Page 4, line 18, by inserting after the word
- 10 "for" the word "both".
- 11 5. Page 4, line 19, by striking the word "or"
- 12 and inserting in lieu thereof the words "and the".
- 13 6. Page 5, line 7, by inserting after the word
- 14 "for" the word "both".
- 15 7. Page 5, line 8, by striking the word "or" and
- 16 inserting in lieu thereof the words "and the".
- 17 8. Page 5, line 35, by striking the words "or
- 18 construction" and inserting in lieu thereof the words
- 19 ", construction, or both".

Amendment H—5514 was adopted.

Hummel of Benton offered the following amendment H—5458 filed by him and moved its adoption:

H—5458

- 1 Amend House File 2464 as follows:
- 2 1. By striking page 1, line 32 through page 2,
- 3 line 16 and inserting in lieu thereof the following:
- 4 "NEW SUBSECTION. "Small business" means as defined
- 5 in 13 C.F.R. sec. 121.3-11."

Roll call was requested by Welsh of Dubuque and Binneboese of Plymouth.

On the question "Shall amendment H—5458 be adopted?"

The ayes were, 30:

Anderson, J.	Bennett	Carpenter	Clark, B. J.
Crabb	Daggett	Danker	Egenes
Halvorson, R. A.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, W.	Krewson
Mann	Menke	Mullins	Pelton
Poffenberger	Pope	Schnekloth	Schroeder
Shull	Smith	Spear	Swearingen
Tofte	Mr. Speaker		

The nays were, 66:

Arnould	Avenson	Baxter	Binneboese
Brandt	Branstad	Bruner	Byerly
Carl	Chiodo	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Davitt	De Groot
Dieleman	Diemer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Horn	Jay	Jochum
Johnson, J.	Johnson, R.	Knapp	Lageschulte
Lind	Lloyd-Jones	Lonergan	Maulsby
McKean	Norland	O'Kane	Oxley
Pavich	Pellet	Petrick	Poncy
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Smalley	Stueland
Sturgeon	Sullivan	Swartz	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods		

Absent or not voting, 3:

Anderson, R.	Doderer	Howell
--------------	---------	--------

Amendment H—5458 lost.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 130

Gettings of Wapello called up for consideration House Concurrent Resolution 130, designating milk as the official state beverage of Iowa in conjunction with June as National Dairy Month filed on March 12, 1982 and found on pages 794 and 795 of the House Journal.

De Groot of Lyon offered the following amendment H-5431 filed by him and moved its adoption:

H-5431

- 1 Amend House Concurrent Resolution 130, as
- 2 follows:
- 3 1. Page 2, by striking line 4 and inserting
- 4 in lieu thereof the following: "and third in
- 5 buttermilk".

Amendment H-5431 was adopted.

Gettings of Wapello moved the adoption of House Concurrent Resolution 130, as amended.

The motion prevailed and the resolution, as amended, was adopted.

(House File 2464 pending at recess.)

On motion by Halvorson of Clayton, the House was recessed at 12:10 p.m., until 4:30 p.m.

The Concert and Chamber Choir from Ellsworth Community College, Iowa Falls, entertained in the House chamber during the noon hour. The choir was under the direction of Gary DeClue. Those present responded with a standing ovation in appreciation.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in chair.

SENATE MESSAGES CONSIDERED

Senate File 2193, by committee on county government, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund.

Read first time and referred to committee on **county government**.

Senate File 2294, by committee on judiciary, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

Read first time and referred to committee on **judiciary and law enforcement**.

HOUSE FILE 2464 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2464 be deferred and that the bill retain its place on the calendar.

HOUSE FILE 2444 WITHDRAWN

Trucano of Polk asked and received unanimous consent to withdraw House File 2444 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

House File 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging, with report of committee recommending passage was taken up for consideration.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2446)

The ayes were, 93:

Anderson, J.
Bennett
Bruner
Clark, B. J.
Conlon
Corey

Arnould
Binneboese
Carl
Clark, J. H.
Connolly
Crabb

Avenson
Brandt
Carpenter
Clements
Connors
Daggett

Baxter
Branstad
Chiodo
Cochran
Cook
Danker

Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Maulsby
McKean	Menke	Mullins	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Gross	Mann
-------	------

Absent or not voting, 4:

Anderson, R.	Byerly	Norland	Pelton
--------------	--------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2453, a bill for an act relating to the dollar limitation on the administration of certain small estates, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2453)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman

Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Anderson, R.	Norland	Pelton
--------------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2454, a bill for an act relating to the refund of fees when a mobile home park license is denied, revoked, or suspended, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2454)

The ayes were, 75:

Anderson, J.	Avenson	Baxter	Bennett
Binneboese	Brandt	Branstad	Bruner
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Cochrane	Conlon	Connolly
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Doderer
Egenes	Fey	Gross	Groth
Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.

Harbor	Hoffmann-Bright	Holt	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
Oxley	Pellett	Petrick	Poffenberger
Pope	Rapp	Renken	Ritsema
Rosenberg	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Welden	Mr. Speaker	

The nays were, 22:

Arnould	Byerly	Chiodo	Connors
Davitt	Dieleman	Gettings	Halvorsen, R. N.
Horn	Jay	Knapp	O'Kane
Pavich	Poncy	Renaud	Running
Sturgeon	Sullivan	Swartz	Tofte
Welsh	Woods		

Absent or not voting, 2:

Anderson, R.	Pelton
--------------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2461, a bill for an act relating to group insurance coverage for county extension office assistants, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5484 filed by him and moved its adoption:

H—5484

- 1 Amend House File 2461 as follows:
- 2 1. Page 1, lines 7 and 8, by striking the words
- 3 "the employer's share of".

Amendment H—5484 was adopted.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2461)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Anderson, R.	Lonergan	Pelton
--------------	----------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2250 SUBSTITUTED FOR HOUSE FILE 2459

Conlon of Muscatine asked and received unanimous consent to substitute Senate File 2250 for House File 2459.

Senate File 2250, a bill for an act relating to the manner of publication of various court rules in the Code or a supplement to the Code and the manner of citing the Code or a supplement to the Code or the Acts, with report of committee recommending passage was

taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2250)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Krewson Schroeder

Absent or not voting, 3:

Anderson, R. Danker Pelton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2459 WITHDRAWN

Conlon of Muscatine asked and received unanimous consent to withdraw House File 2459 from further consideration by the House.

House File 2434, a bill for an act to increase the jurisdictional amount of small claims court to two thousand five hundred dollars with report of committee recommending passage was taken up for consideration.

Johnson of Howard moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2434)

The ayes were, 91:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright.	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneran	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 5:

Johnson, R.	Knapp	Pavich	Smalley
Welden			

Absent or not voting, 3:

Anderson, R.

Crabb

Pelton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2465 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2465 be deferred and that the bill retain its place on the calendar.

House File 2466, a bill for an act relating to the jurisdiction of county conservation employees who are peace officers, with report of committee recommending passage was taken up for consideration.

Danker of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2466)

The ayes were, 90:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano

Tyrrell
Woods

Van Maanen
Mr. Speaker

Walter

Welden

The nays were, 6:

Connolly
Renken

Hummel
Welsh

Knapp

Maulsby

Absent or not voting, 3:

Anderson, R.

Mann

Pelton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2469, a bill for an act relating to requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered amendment H-5509 filed by him as follows:

H-5509

- 1 Amend House File 2469 as follows:
- 2 1. Page 1, by inserting after line 9 the following:
- 3 "Sec. . Section 309.56, Code 1981, is amended
- 4 to read as follows:
- 5 309.56 PROJECT PLANS. The plans for each project,
- 6 on which contracts will be let pursuant to the
- 7 provisions of sections 309.40, and 309.42 and 309.80
- 8 as soon as approved by the board of supervisors, shall
- 9 be submitted to the department, and the board of
- 10 supervisors may designate to the department which
- 11 projects, in their estimation, should be first passed
- 12 upon by said the department. The department shall
- 13 pass on such reports and plans, and in so doing, shall
- 14 take into consideration the thoroughness, feasibility,
- 15 and practicability of such the plans."
- 16 2. Page 2, lines 22 and 23, by striking the words
- 17 "railway, having" and inserting in lieu thereof the
- 18 words "having railway. A bridge has".
- 19 3. Page 2, line 24, by striking the words "having
- 20 a length" and inserting in lieu thereof the words
- 21 "having a length has".
- 22 4. Page 3, line 5, by inserting after the word
- 23 "bridge" the words ", provided the pipes meet the

- 24 other definitional requirements for bridges in this
25 section".
26 5. Renumber as necessary.

Danker of Pottawattamie offered the following amendment H-5534, to amendment H-5509, filed by him from the floor and moved its adoption:

H-5534

- 1 Amend the Harbor amendment, H-5509, to House File
2 2469 as follows:
3 1. Page 1, by inserting after line 25 the
4 following:
5 " . Page 3, by striking lines 16 through 26
6 and inserting in lieu thereof the following:
7 "310.13 SURVEYS, PLANS AND ESTIMATES. If the
8 department approves a project submitted by the board
9 of supervisors, the The county engineer shall proceed
10 to make or cause to be made, the surveys, plans and
11 estimates for said any project, and submit the same
12 them to the board of supervisors for approval and
13 the department for approval authorization for letting.
14 The construction work on said a project shall be done
15 in accordance with said approved the plans, except
16 insofar as the same may be they are modified to meet
17 unforeseen or better understood conditions; and no
18 such modification shall be deemed an invalidating
19 matter."
20 . By striking page 3, line 29 through page
21 4, line 12, and inserting in lieu thereof the
22 following:
23 "310.14 BIDS-DEPARTMENT OR COUNTY SUPERVISORS.
24 When the approved plans and specifications for any
25 farm-to-market funded project are filed with and
26 authorized for letting by the department, it shall,
27 if the estimated cost exceeds one thousand dollars,
28 proceed to advertise for bids and make recommended
29 a recommendation to award of or reject a contract.
30 Said recommended The recommendation to award of a
31 contract shall be submitted to the board of supervisors
32 of the county in which said the project is located
33 for its concurrence approval and award of contract.
34 Upon receiving the concurrence approval of the county
35 board on said the recommended contract award, the
36 department shall take final action awarding said to
37 concur in the award of the contract. Provided, that
38 the said department shall determine and advise the
39 county board as to any approved farm-to-market road
40 project which is to be financed without the use of

- 41 federal funds. On such For a project without federal
 42 funds the above procedure may be reversed and the
 43 county board shall may be authorized to advertise
 44 for bids, and, subject to concurrence by the
 45 department, award a contract for the construction
 46 work." "
- 47 2. Renumber as necessary.

Amendment H—5534, to amendment H—5509, was adopted.

Danker of Pottawattamie moved the adoption of amendment H—5509, as amended.

Amendment H—5509, as amended, was adopted.

Danker of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2469)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poney
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 5:

Anderson, R.
Smalley

Jay

Mann

Pelton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN
(House File 2363)

Anderson of Audubon asked and received unanimous consent to withdraw the motion to reconsider House File 2363, relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, filed on March 16, 1982.

MOTION TO RECONSIDER WITHDRAWN
(House File 2393)

Poffenberger of Dallas asked and received unanimous consent to withdraw the motion to reconsider House File 2393, creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation, filed on March 22, 1982.

MOTION TO RECONSIDER LOST
(House File 2386)

Carpenter of Polk called up for consideration the motion to reconsider House File 2386, filed on March 9, 1982, and moved to reconsider the vote by which House File 2386, a bill for an act relating to the status and statutory responsibilities of legal or administrative entities created by agreements under chapter 28E, passed the House on March 9, 1982.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 48, nays 47.

The motion having failed to receive a constitutional majority lost, placing out of order amendment H—5510 filed by Johnson of Linn on March 22, 1982 and the motions to reconsider filed by Hansen of O'Brien and O'Kane of Woodbury on March 9, 1982.

MOTION TO RECONSIDER LOST
(House File 2220)

Halvorson of Clayton called up for consideration the motion to reconsider House File 2220, filed on March 18, 1982, and moved to reconsider the vote by which House File 2220, a bill for an act relating to criminal responsibility for the commission of a public offense while mentally ill, passed the House on March 18, 1982.

A non-record roll call was requested.

The ayes were 1, nays 89.

The motion lost, placing out of order the motion to reconsider filed by Lind of Black Hawk on March 18, 1982.

MOTIONS TO RECONSIDER
(House File 2439)

I move to reconsider the vote by which House File 2439 passed the House on March 24, 1982.

SMITH of Scott

(House File 2439)

I move to reconsider the vote by which House File 2439 passed the House on March 24, 1982.

SCHROEDER of Pottawattamie

HOUSE CONCURRENT RESOLUTION 137
By Trucano

- 1 *Whereas*, chapter 297 of the Code contains provisions
- 2 for the purchase and sale of property by school

3 districts; and

4 *Whereas*, the current law fails to distinguish be-
5 tween real and personal property; and

6 *Whereas*, the law does not recognize more economical
7 procedures for the sale of surplus personal property;
8 and

9 *Whereas*, the vagueness and ambiguity of the current
10 law has created legal problems for school districts
11 in the sale of property no longer needed by the school
12 district; *Now Therefore*,

13 *Be It Resolved by the House of Representatives, the*
14 *Senate Concurring*, That the legislative council is
15 requested to appoint an interim study committee con-
16 sisting of members of the Senate and House standing
17 committees on state government to study the provisions
18 of chapter 297 to update and clarify the present law;
19 and

20 *Be It Further Resolved*, That the study committee
21 shall report its findings and recommendations, includ-
22 ing legislative bill drafts necessary to implement
23 its recommendations, to the legislative council and
24 the general assembly meeting in 1983.

Laid over under Rule 30.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 24, 1982, he approved and transmitted to the Secretary of State the following bill:

House File 2377, an act creating the Iowa Higher Education Loan Authority, providing for the Authority to issue revenue bonds and defining its powers and duties and providing that the act takes effect upon its publication.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a short period of time during the morning session on March 24, 1982. Had I been present, I would have voted "aye" on House File 2439 and Senate File 2252.

HOLT of Clay

PRESENTATION OF VISITOR

Pope of Polk presented to the House, Foreign Exchange Student, Jean Marc Briquet of Borg La Reine, France. He is a senior at Dowling High School in Des Moines and staying with Mr. and Mrs. Donald G. Hauser and their son Gregory of Des Moines.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA INDUSTRIAL COMMISSIONER

Volume I of the Iowa Industrial Commissioner Report, pursuant to Chapter 6, Section 13, Acts of the 1981 Regular Session.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5536.

COMMITTEE ON EDUCATION

Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel

distributors to receive a certain percentage of ethanol, and providing a penalty.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5537.

Committee Bill (Formerly Study Bill 746), to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 753, as amended), relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H—5536	S.F. 2221	Committee on Agriculture
H—5537	S.F. 2091	Committee on Ways and Means
H—5538	S.F. 2221	Tyrrell of Iowa
H—5539	S.F. 2190	Schnekloth of Scott
H—5540	S.F. 2190	Fey of Scott
		Arnould of Scott
H—5541	S.F. 482	O'Kane of Woodbury
H—5542	H.F. 2464	Tyrrell of Iowa
H—5543	H.F. 2460	Doderer of Johnson
H—5544	S.F. 2203	Lloyd-Jones of Johnson
		Pelton of Clinton
H—5545	H.F. 2455	Crabb of Crawford
		Cochran of Webster
		Pellett of Cass
		Davitt of Warren
H—5546	S.F. 2247	Connolly of Dubuque
H—5547	S.F. 2262	Danker of Pottawattamie
H—5548	H.F. 2464	Halvorson of Webster
		Krewson of Polk

H-5549	S.F. 2234	Stueland of Clinton Pellett of Cass Cook of Hardin Cochran of Webster Jay of Appanoose Diemer of Black Hawk Chiodo of Polk Schnekloth of Scott Johnson of Linn Hall of Linn Carpenter of Polk Fey of Scott Smalley of Polk Connors of Polk Doderer of Johnson Jochum of Dubuque Rosenberg of Story Krewson of Polk Walter of Pottawattamie Byerly of Polk Bruner of Story Baxter of Des Moines Crabb of Crawford Poncy of Wapello Krewson of Polk Schroeder of Pottawattamie Schroeder of Pottawattamie
H-5550	S.F. 2091	Running of Linn Woods of Polk Lind of Black Hawk O'Kane of Woodbury Horn of Linn Smith of Scott Rapp of Black Hawk Pavich of Pottawattamie Sturgeon of Woodbury Connolly of Dubuque Hoffmann-Bright of Muscatine Halvorson of Clayton Pelton of Clinton Hanson of Delaware Lloyd-Jones of Johnson Arnould of Scott Renaud of Polk
H-5551	H.F. 2464	
H-5552	H.F. 2464	
H-5553	H.F. 2464	

On motion by Pope of Polk, the House adjourned at 5:31 p.m., until 9:00 a.m., Thursday, March 25, 1982.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day—Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 25, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Walter Phelps, pastor of the Trinity United Methodist Church, Waverly.

The Journal of Wednesday, March 24, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone.

INTRODUCTION OF BILLS

House File 2474, by committee on ways and means, a bill for an act to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication.

Read first time and placed on the **ways and means calendar**.

House File 2475, by committee on ways and means, a bill for an act relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Regular Calendar

House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary

placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, with report of committee recommending passage was taken up for consideration.

Brandt of Black Hawk offered amendment H-5527 filed by Brandt and Lageschulte as follows:

H-5527

- 1 Amend House File 2460 as follows:
- 2 1. Page 4, by inserting after line 21, the
- 3 following:
- 4 "Sec. . Section 232.71, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. If a fourth report is received
- 7 from the same person who made three earlier
- 8 unsubstantiated reports which identified the same
- 9 child as the abused child and the same person
- 10 responsible for the child as the alleged abuser, the
- 11 department may determine that the report is spurious
- 12 and may in its discretion terminate its investigation."
- 13 2. By renumbering as necessary.

Doderer of Johnson offered the following amendment H-5543, to amendment H-5527, filed by her and moved its adoption:

H-5543

1 Amend amendment H-5527 to House File 2460 as
2 follows:

3 1. Page 1, line 11, by inserting after the word
4 "spurious" the words ", unfounded, or frivolous".

Amendment H-5543, to amendment H-5527, was adopted.

Brandt of Black Hawk moved the adoption of amendment H-5527, as amended.

Amendment H-5527, as amended, was adopted.

Connors of Polk offered the following amendment H-5455 filed by him and moved its adoption:

H-5455

1 Amend House File 2460 as follows:

2 1. Page 6, by inserting after line 4 the following:

3 "The child's parent, guardian, or custodian shall
4 be included in counseling sessions offered during
5 the child's stay in a hospital, facility, or
6 institution when feasible, and when in the best
7 interests of the child and the child's parent,
8 guardian, or custodian. If separate counseling
9 sessions are conducted for the child and the child's
10 parent, guardian, or custodian, a joint counseling
11 session shall be offered prior to the release of the
12 child from the hospital, facility, or institution."

Amendment H-5455 was adopted.

The following amendment H-5555, filed by Smalley of Polk from the floor, was adopted by unanimous consent:

H-5555

1 Amend House File 2460, as follows:

2 1. First title page, by inserting, after line

3 17, the following: "to allow termination of child
4 abuse investigations by the department of social
5 services, to authorize the presence of a parent,
6 guardian or custodian at a child's counseling
7 session,".

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Anderson, R.	Egenes	Rapp
--------------	--------	------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 2455, a bill for an act relating to reports by corporations and limited partnerships which own agricultural land, with report of committee recommending passage was taken up for consideration.

Crabb of Crawford offered amendment H—5545 filed by Crabb, et al., as follows:

H-5545

1 Amend House File 2455 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 172C.4, subsection 3, Code
5 1981, is amended to read as follows:

6 3. Agricultural land, including leasehold
7 interests, acquired by a nonprofit corporation
8 organized under the provisions of chapters 504 and
9 504A which qualifies under section 501(c)(3) of the
10 Internal Revenue Code of 1954 as defined in section
11 422.4, subsection 17 including land acquired and
12 operated by or for a state university for research,
13 experimental, demonstration, foundation seed increase
14 or test purposes and land acquired and operated by
15 or for nonprofit corporations organized specifically
16 for research, experimental, demonstration, foundation
17 seed increase or test purposes in support of or in
18 conjunction with a state university.

19 2. Page 1, by striking lines 14 through 16 and
20 inserting in lieu thereof the words "in by the
21 reporting corporation and the name, address and title
22 of the agent or person in charge of the corporation's
23 daily operations."

24 3. Page 1, by striking lines 22 through 28 and
25 inserting in lieu thereof the following:

26 "3. The approximate number and kind of poultry
27 or livestock owned, ~~contracted for~~, fed or kept by
28 the corporation during the preceding calendar or
29 fiscal year.

30 4. The approximate number of acres used for each
31 agricultural crop, fruit or other horticultural product
32 grown or ~~contracted for~~ during the preceding calendar
33 or fiscal year."

34 4. Page 2, by striking lines 4 through 6 and
35 inserting in lieu thereof the following:

36 "7. The names and addresses of, and the number
37 of shares of stock by class held by, all shareholders
38 owning ten percent or more of any class of stock of
39 the corporation."

40 5. Page 2, by inserting after line 18 the follow-
41 ing:

42 "The report form furnished by the secretary of
43 state shall provide after the heading for each section
44 of the report a box which if marked would signify
45 that there has been no change in the information
46 requested by that section of the report from the

47 report of the previous year. If there has been a
48 change in the information requested, only those
49 sections of the report in which a change has occurred
50 need be completed."

Page 2

1 6. Page 3, by striking lines 6 through 8 and
2 inserting in lieu thereof the words "in by the
3 reporting limited partnership and the name, address
4 and title of the agent or person in charge of the
5 limited partnership's daily operations."

6 7. Page 3, by striking lines 14 through 20 and
7 inserting in lieu thereof the following:

8 "4. The approximate number and kind of ~~poultry~~
9 ~~or livestock owned, contracted for, fed or kept by~~
10 ~~the limited partnership during the preceding calendar~~
11 ~~or fiscal year.~~

12 5. The approximate number of acres used for each
13 agricultural crop, ~~fruit or other horticultural product~~
14 ~~grown or contracted for during the preceding calendar~~
15 ~~or fiscal year."~~

16 8. Page 3, by striking lines 32 through 34 and
17 inserting in lieu thereof the following:

18 "8. The amount of cash and a description of and
19 the agreed value of the other property contributed
20 by each limited partner."

21 9. Page 4, by inserting after line 5 the follow-
22 ing:

23 "The report form furnished by the secretary of
24 state shall provide after the heading for each section
25 of the report a box which if marked would signify
26 that there has been no change in the information
27 requested by that section of the report from the
28 report of the previous year. If there has been a
29 change in the information requested, only those
30 sections of the report in which a change has occurred
31 need be completed."

32 10. By renumbering to conform to this amendment.

The House stood at ease at 10:00 a.m., until the fall of the gavel.

The House resumed session at 11:55 a.m., Speaker Stromer in the chair.

(House File 2455 and amendment H—5545 pending at recess.)

On motion by Bennett of Ida, the House was recessed at 12:03 p.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

BUSINESS PENDING AT RECESS
Regular Calendar

The House resumed consideration of **House File 2455**, a bill for an act relating to reports by corporations and limited partnerships which own agricultural land, and amendment H-5545 found on pages 995 and 996 of the House Journal.

Ritsema of Sioux offered the following amendment H-5557, to amendment H-5545, filed by him from the floor and moved its adoption:

H-5557

- 1 Amend amendment H-5545 to House File 2455 as
- 2 follows:
- 3 1. Page 1, by striking lines 24 through 33.
- 4 2. Page 2, by striking lines 6 through 15.

A non-record roll call was requested.

The ayes were 32, nays 63.

Amendment H-5557, to amendment H-5545, lost.

Crabb of Crawford moved the adoption of amendment H-5545.

Amendment H-5545 was adopted.

The following amendment H-5565 filed by Crabb of Crawford from the floor was adopted by unanimous consent:

H-5565

- 1 Amend House File 2455, as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to corporate and partnership farming,
- 5 including a designation of corporations exempt
- 6 from the limitations on increases in agricultural
- 7 holdings, and the contents of reports relating
- 8 to agricultural property."

Crabb of Crawford moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2455)

The ayes were, 98:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 1:

Anderson, R.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **House File 2464**, a bill for an act relating to the Iowa small business loan program.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on amendments H-5552 and H-5553.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek, for a portion of the afternoon, on request of Holt of Clay.

Krewson of Polk offered the following amendment H—5551 filed by him and moved its adoption:

H—5551

- 1 Amend House File 2464, as follows:
- 2 1. Page 5, by striking line 7 and inserting
- 3 in lieu thereof the following:
- 4 "1. Make secured loans for both the acquisition".
- 5 2. Page 8, line 2, by striking the word "may"
- 6 and inserting in lieu thereof the word "shall".

A non-record roll call was requested.

The ayes were 34, nays 56.

Amendment H—5551 lost.

Tyrrell of Iowa offered the following amendment H—5542 filed by him and moved its adoption:

H—5542

- 1 Amend House File 2464 as follows:
- 2 1. Page 6, by inserting, after line 27, the
- 3 following:
- 4 "7. Whether the applicant's use of the loan
- 5 proceeds will adversely affect competing businesses."

A non-record roll call was requested.

The ayes were 41, nays 48:

Amendment H—5542 lost.

Halvorson of Webster asked and received unanimous consent to suspend the rules to substitute amendment H—5560, for amendment H—5548.

Halvorson of Webster offered the following amendment H—5560 filed by Halvorson of Webster and Krewson from the floor, and moved its adoption:

H—5560

1 Amend House File 2464 as follows:

2 1. Page 8, by inserting after line 28 the
3 following:

4 "Sec. . . Section 419.1, subsection 2, Code 1981,
5 is amended to read as follows:

6 2. "Project" means all or any part of, or any
7 interest in, (a) ~~any~~ land, buildings, or improvements,
8 whether or not in existence at the time of issuance
9 of the bonds issued under authority of this chapter,
10 which shall be suitable for the use of ~~any~~ a voluntary
11 nonprofit hospital, clinic or health care facility
12 as defined in section 135C.1, subsection 4, or of
13 ~~any~~ a private college or university, or ~~any~~ a state
14 institution governed under chapter 262 whether for
15 the establishment or maintenance of ~~such~~ that college
16 or university, or of ~~any~~ an industry or industries
17 for the manufacturing, processing or assembling of
18 ~~any~~ agricultural or manufactured products, even though
19 ~~such~~ the processed products may require further
20 treatment before delivery to the ultimate consumer,
21 or of ~~any~~ a commercial enterprise engaged in storing,
22 warehousing or distributing products of agriculture,
23 mining or industry including but not limited to barge
24 facilities and riverfront improvements useful and
25 convenient for the handling and storage of goods and
26 products, or of a national, regional or divisional
27 headquarters facility of a company that does multistate
28 business, or of a ~~beginning businessperson~~ person for ~~any~~
29 ~~purpose~~ or (b) pollution control facilities which
30 shall be suitable for use by ~~any~~ an industry,
31 commercial enterprise, or utility. "Pollution control
32 facilities" means ~~any~~ land, buildings, structures,
33 equipment, pipes, pumps, dams, reservoirs,
34 improvements, or other facilities useful for the
35 purpose of reducing, preventing, or eliminating
36 pollution of the water or air by reason of the
37 operations of ~~any~~ an industry, commercial enterprise,
38 or utility. "Improve", "improving" and "improvements"
39 shall embrace ~~any~~ real property, personal property
40 or mixed property of ~~any~~ and every kind that can be
41 used or that will be useful in connection with a
42 project, including, without limiting the generality
43 of the foregoing, rights of way, roads, streets,
44 sidings, ~~trackage~~, foundations, tanks, structures,

- 45 pipes, pipe lines, reservoirs, utilities, materials,
 46 equipment, fixtures, machinery, furniture, furnishings,
 47 improvements, instrumentalities and other real,
 48 personal or mixed property of every kind, whether
 49 above or below ground level.
 50 Sec. . Section 419.1, subsection 14, Code 1981,

Page 2

- 1 is amended by striking the subsection.
 2 Sec. . Section 419.2, subsection 5, Code 1981,
 3 is amended to read as follows:
 4 5. To issue revenue bonds for the purpose of
 5 defraying the cost of any project and to secure payment
 6 of such the bonds as provided in this chapter.
 7 However, in the case of a project suitable for the
 8 use of a beginning businessperson, the bonds may not
 9 exceed the aggregate principal amount of five hundred
 10 thousand dollars."
 11 2. Renumber as necessary.

Roll call was requested by Shull of Warren and Johnson of Howard.

On the question "Shall amendment H—5560 be adopted?"

The ayes were, 45:

Avenson	Baxter	Binneboese	Brandt
Bruner	Byerly	Carl	Chiodo
Clark, B. J.	Cochran	Conlon	Connolly
Connors	Davitt	Dieleman	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	McKean
Norland	O'Kane	Oxley	Pavich
Pelton	Poncy	Rapp	Ritsema
Rosenberg	Running	Smalley	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh			

The nays were, 52:

Anderson, J.	Arnould	Bennett	Branstad
Carpenter	Clark, J. H.	Clements	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Doderer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte

Lind	Lonergan	Mann	Maulsby
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renaud	Renken
Schnekloth	Schroeder	Shull	Smith
Stueland	Swearingen	Trucano	Tyrrell
Van Maanen	Welden	Woods	Mr. Speaker

Absent or not voting, 2:

Anderson, R. Tofte

Amendment H—5560 lost, placing out of order amendment H—5548 filed by Halvorson of Webster and Krewson on March 24, 1982.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendments H—5552 and H—5553 both filed by him on March 24, 1982.

Shull of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2464)

The ayes were, 91:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano

Tyrrell
Welsh

Van Maanen
Woods

Walter
Mr. Speaker

Welden

The nays were, 5:

Hummel
Smalley

Krewson

Mullins

Ritsema

Absent or not voting, 3:

Anderson, R.

Rapp

Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 671 WITHDRAWN

Halvorson of Webster asked and received unanimous consent to withdraw House File 671 from further consideration by the House.

The House stood at ease at 3:33 p.m., until the fall of the gavel.

The House resumed session at 4:20 p.m., Speaker Stromer in the chair.

INTRODUCTION OF BILL

House File 2476, by committee on appropriations, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance.

Read first time and **placed on the appropriations calendar.**

SENATE MESSAGE CONSIDERED

Senate File 2258, by committee on judiciary, a bill for an act relating to procedures in small claims actions.

Read first time and referred to committee on **judiciary and law enforcement.**

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 18, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

K. MARIE THAYER, Secretary

HOUSE FILE 2465 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2465 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2223 SUBSTITUTED FOR HOUSE FILE 2470

Poffenberger of Dallas asked and received unanimous consent to substitute Senate File 2223 for House File 2470.

Senate File 2223, a bill for an act relating to the designation of attorneys employed to assist a fiduciary of an estate, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2223)

The ayes were, 95:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.

Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 4:

Anderson, R.	Branstad	O'Kane	Tofte
--------------	----------	--------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2457, a bill for an act relating to the disposition of fines and forfeited bail for violations of county ordinances, with report of committee recommending passage was taken up for consideration.

Hansen of O'Brien offered the following amendment H-5529 filed by him and moved its adoption:

H-5529

- 1 Amend House File 2457 as follows:
- 2 1. Page 1, line 31, by inserting after the word
- 3 "judge" the words "for violation of a county ordinance
- 4 except an ordinance relating to vehicle speed or
- 5 weight restrictions,".
- 6 2. Page 2, line 1, by inserting after the word
- 7 "dismissed." the words "However, if a county ordinance
- 8 provides a penalty for a violation which is also
- 9 penalized under state law, all fines and forfeited
- 10 bail collected for the violation of that ordinance
- 11 shall be deposited in the school fund."

Amendment H-5529 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2457)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Féy	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Anderson, R.	Crabb	Tofte
--------------	-------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2462, a bill for an act relating to the notification of persons upon release of inmates, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa offered amendment H—5423 filed by him as follows:

H-5423

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and
- 3 inserting in lieu thereof the following: "this section
- 4 unless they are returned to the institution subsection.
- 5 The warden or superintendent shall maintain".

Spear of Lee offered the following amendment H-5558, to amendment H-5423, filed by him from the floor and moved its adoption:

H-5558

- 1 Amend amendment H-5423, to House File 2462, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5, and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, line 21, by inserting after the
- 6 word "institution", the following: "and, in that
- 7 event, the amount of payment pursuant to paragraph
- 8 a of this subsection shall be reduced by the amount
- 9 of money in the inmate's inmate account".

A non-record roll call was requested.

The ayes were 51, nays 44.

Amendment H-5558, to amendment H-5423, was adopted placing out of order amendment H-5559, to amendment H-5423, filed by Spear of Lee from the floor.

Tyrrell of Iowa moved the adoption of amendment H-5423, as amended.

Doderer of Johnson rose on a point of order that amendment H-5423, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-5423, as amended, not germane.

Spear of Lee asked and received unanimous consent to withdraw amendment H-5478 filed by him on March 18, 1982.

Spear of Lee offered the following amendment H-5427 filed by him and moved its adoption:

H—5427

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, line 28, by striking the word "and".
- 3 2. Page 1, line 30, by inserting after the word
- 4 "residence" the words "and the sheriff and chief
- 5 municipal law enforcement officer of the respective
- 6 county or city where the inmate is to be released
- 7 to under a parole, furlough, or work release plan".

Amendment H—5427 was adopted.

Spear of Lee offered the following amendment H—5507 filed by him and moved its adoption:

H—5507.

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, line 35, by striking the words "Any
- 3 of the" and inserting in lieu thereof the following:
- 4 "The sheriff of the county from which the inmate was
- 5 convicted, notified pursuant to this subsection,
- 6 shall, and any other".
- 7 2. Page 2, line 1, by striking the word "shall"
- 8 and inserting in lieu thereof the word "may".
- 9 3. Page 2, line 4, by inserting after the word
- 10 "addition" the words "any of the".

Amendment H—5507 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2462)

The ayes were, 92:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor

Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 4:

Brandt	Krewson	Lloyd-Jones	Poffenberger
--------	---------	-------------	--------------

Absent or not voting, 3:

Anderson, R.	Howell	Schroeder
--------------	--------	-----------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2105 WITHDRAWN

Trucano of Polk asked and received unanimous consent to withdraw House File 2105 from further consideration by the House.

House File 2425, a bill for an act relating to the use of municipal sewage sludge as fertilizer, with report of committee recommending passage was taken up for consideration.

De Groot of Lyon offered amendment H—5450 filed by De Groot and Byerly as follows:

H—5450

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "application." the words "A sale of wet or dry sludge
- 4 for the purpose of land application shall be
- 5 accompanied by a written agreement signed by both
- 6 parties which contains a general analysis of the
- 7 contents of the sludge. The heavy metal content of
- 8 the sludge shall not exceed that allowed by rules
- 9 of the department."

- 10 2. Page 1, line 10, by inserting after the word
- 11 "sale" the words "unless it is a result of a violation
- 12 of the written agreement or if the heavy metal content
- 13 of the sludge exceeds that allowed by rules of the
- 14 department".

The following amendment H—5570, to amendment H—5450, filed by Ritsema of Sioux from the floor was adopted by unanimous consent:

H—5570

- 1 Amend amendment H—5450 to House File 2425,
- 2 as follows:
- 3 1. Page 1, line 9, by striking the word
- 4 "department" and inserting in lieu thereof the
- 5 word "commission".
- 6 2. Page 1, line 14, by striking the word
- 7 "department" and inserting in lieu thereof the
- 8 word "commission".

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd, for a portion of the afternoon and March 26, 1982, on request of Dieleman of Marion.

De Groot of Lyon moved the adoption of amendment H—5450, as amended.

Amendment H—5450, as amended, was adopted.

De Groot of Lyon offered the following amendment H—5498, filed by De Groot and Byerly and moved its adoption:

H—5498

- 1 Amend House File 2425 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "action" the words "by the purchaser".

Amendment H—5498 was adopted.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2425)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 1:

Johnson, W.

Absent or not voting, 2:

Anderson, R. Howell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2231 SUBSTITUTED FOR HOUSE FILE 2443

Branstad of Winnebago asked and received unanimous consent to substitute Senate File 2231 for House File 2443.

Senate File 2231, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to defer action on amendment H—5530.

Hummel of Benton offered the following amendment H—5522 filed by him and requested division as follows:

H—5522

- 1 Amend Senate File 2231 as follows:

H—5522A

- 2 1. Page 1, line 11, by inserting after the word
3 "owned" the word "by".

H—5522B

- 4 2. Page 1, line 15, by inserting after the period
5 the words "The state or local authority may lease
6 road maintenance equipment but shall not employ the
7 lessor or employees of the lessor to operate the
8 equipment."

H—5522C

- 9 3. Page 1, line 20, by striking the word "operated"
10 and inserting in lieu thereof the word "owned".

Hummel of Benton moved the adoption of amendment H—5522A.

Amendment H—5522A was adopted.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5522B.

Hummel of Benton moved the adoption of amendment H—5522C.

Amendment H—5522C was adopted.

Poffenberger of Dallas offered the following amendment H—5523 filed by her and moved its adoption:

H-5523

1 Amend Senate File 2231 as follows:

2 Page 1, by inserting after line 15 the following:

3 "Sec. . . . Section 321.377, Code 1981, is amended

4 to read as follows:

5 321.377 SPEED OF SCHOOL BUS. No motor vehicle in
6 use as a school bus shall be operated at a speed in
7 excess of fifty-five miles per hour on any fully
8 controlled-access, divided, multilaned highways, inter-
9 state highways or on any four-lane primary highway.
10 When not in operation on an interstate highway system
11 or on any four-laned primary highway, the maximum speed
12 for a school bus shall be fifty miles per hour when used
13 for purposes of an educational trip or for transporting
14 pupils to and from any extracurricular activity, and
15 forty-five miles per hour at all other times. Any
16 violation of this section, by a driver, shall be deemed
17 sufficient cause for canceling his contract. For the
18 purpose of this section, interstate highways means those
19 highways included in the national system of interstate
20 highways designated by the federal highway administration
21 and this state."

A non-record roll call was requested.

The ayes were 74, nays 6.

Amendment H-5523 was adopted.

Spear of Lee called up for consideration amendment H-5530
filed by him and moved its adoption:

H-5530

1 Amend Senate File 2231, as follows:

2 1. Page 1, line 5, by striking the word and

3 figures ", teams," and inserting in lieu thereof the

4 following: "; teams, and".

Amendment H-5530 was adopted.

The following amendment H-5572 filed by Spear of Lee from
the floor was adopted by unanimous consent:

H-5572

1 Amend Senate File 2231, as follows:

2 1. Title page, by striking lines 1 through 3

3 and inserting in lieu thereof the following: "An Act

- 4 relating to the operation of certain motor vehicles
 5 on the public highways."

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2231)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Johnson, W.

Absent or not voting, 4:

Anderson, R.	Clark, J. H.	Doberer	Howell
--------------	--------------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 2470 WITHDRAWN

Poffenberger of Dallas asked and received unanimous consent to withdraw House File 2470 from further consideration by the House.

HOUSE FILES 2246 AND 208 WITHDRAWN

Arnould of Scott asked and received unanimous consent to withdraw House Files 2246 and 208 from further consideration by the House.

HOUSE FILE 2221 WITHDRAWN

McKean of Jones asked and received unanimous consent to withdraw House File 2221 from further consideration by the House.

HOUSE FILE 2443 WITHDRAWN

Branstad of Winnebago asked and received unanimous consent to withdraw House File 2443 from further consideration by the House.

**MOTION TO RECONSIDER WITHDRAWN
(House File 2457)**

O'Kane of Woodbury asked and received unanimous consent to withdraw the motion to reconsider the vote by which House File 2457, relating to the disposition of fines and forfeited bail for violations of county ordinances, passed the House on March 25, 1982, filed by him from the floor.

IMMEDIATE MESSAGE

Pope of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 2425, 2455, 2457, 2460, 2462 and 2464.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a portion of the afternoon on March 24, 1982. Had I been present, I would have voted "aye" on House Files 2466 and 2469.

MANN of Greene

PRESENTATION OF VISITORS

McKean of Jones presented to the House, Richard Kujawa of England, a graduate student at the University of Iowa.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-one government class students from Twin Rivers Community School, Bode, accompanied by Garvin Larson and David Cady. By Mullins of Kossuth.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

IOWA HOUSING FINANCE AUTHORITY

The Iowa Housing Finance Authority Annual Report for the year ending June 30, 1981, pursuant to Chapter 220.7, Code of Iowa.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2342, a bill for an act relating to the regulation of persons engaged in the marketing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5561.

House File 2429, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill, relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COMMERCE

Senate File 2040, a bill for an act requiring warning notices to be included in urea-formaldehyde foam insulation contracts and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2172, a bill for an act relating to the electronic transfer of funds.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5562.

Senate File 2220, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2240, a bill for an act repealing the statutes relating to certain appliances equipped with a pilot light.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2242, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the distribution of money subject to the support and maintenance of common schools.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2259, a bill for an act relating to marriage solemnization fees.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2281, a bill for an act relating to the contract price for construction of a public improvement which requires a bond.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2282, a bill for an act to establish the Terrace Hill authority.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H--5554

H.F. 2465

Lind of Black Hawk
Hoffmann-Bright of
Muscatine
Schroeder of Pottawattamie
Horn of Linn
Byerly of Polk
Schroeder of Pottawattamie
Van Maanen of Mahaska
Committee on
Appropriations

H--5556

H.F. 2465

H--5561

H.F. 2342

H-5562	S.F. 2195	Committee on Commerce
H-5563	S.F. 2046	Johnson of Linn
		O'Kane of Woodbury
H-5564	S.F. 2091	Tyrrell of Iowa
Maulsby of Calhoun		Renken of Grundy
Gross of Ringgold		Cook of Hardin
Branstad of Winnebago		Hansen of O'Brien
		Anderson of Audubon
H-5566	S.F. 482	O'Kane of Woodbury
H-5567	S.F. 578	Fey of Scott
H-5568	S.F. 2245	Welden of Hardin
H-5569	H.F. 2465	Tyrrell of Iowa
H-5571	H.F. 2465	Lind of Black Hawk
		Hoffmann-Bright of Muscatine
		Schroeder of Pottawattamie
H-5573	S.F. 2216	Spear of Lee
H-5574	S.F. 2266	Welsh of Dubuque

On motion by Pope of Polk, the House adjourned at 5:30 p.m., until 9:00 a.m., Friday, March 26, 1982.

JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day -- Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 26, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father Paul Steimel of the Immaculate Conception Catholic Church, Charles City.

The Journal of Thursday, March 25, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Holt of Clay on request Tofte of Winneshiek.

PETITION FILED

The following petition was received and placed on file:

By Cochran of Webster, from forty-six constituents opposing moving the Women's Reformatory in Rockwell City to Mitchellville.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 4, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 833, a bill for an act changing the beginning and ending dates of the Vietnam Conflict for purposes of the military service property tax exemption.

Also: That the Senate has on March 24, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 400, a bill for an act providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code.

Also: That the Senate has on March 24, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2218, by committee on natural resources, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

Read first time and referred to committee on **agriculture**.

Senate File 2226, by committee on transportation, a bill for an act to allow the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business.

Read first time and referred to committee on **transportation**.

Senate File 2243, by committee on natural resources, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

Read first time and referred to committee on **agriculture**.

HOUSE FILE 2467 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2467 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS
Regular Calendar

The House resumed consideration of **House File 2465**, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the Code, with report of committee recommending passage.

Johnson of Linn offered amendment H—5506 filed by him as follows:

H—5506

- 1 Amend House File 2465 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 98A.2, subsection 6, Code
- 5 1981, is amended to read as follows:
- 6 6. A public building, except a liquor store, owned
- 7 by or under the control of this state or any of its
- 8 political subdivisions, except in areas designated
- 9 by the controlling governmental body, officer, or
- 10 agency as smoking areas."
- 11 2. Renumber sections as needed.

Johnson of Howard rose on a point of order that amendment H—5506 was not germane.

The Speaker ruled the point well taken and amendment H—5506 not germane.

Tyrrell of Iowa offered amendment H—5569 filed by him as follows:

H—5569

- 1 Amend House File 2465 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 97B.41, subsection 1, paragraph
- 5 a, unnumbered paragraph 2, Code 1981, is amended by
- 6 striking the unnumbered paragraph.
- 7 Sec. . Section 97B.41, subsection 3, paragraph
- 8 b, subparagraph (2), Code 1981, is amended to read
- 9 as follows:
- 10 (2) Members of the general assembly of Iowa and
- 11 temporary Temporary employees of the general assembly
- 12 of Iowa unless ~~such members or~~ the employees shall

13 make an application to the department to be covered
14 under the provisions of this chapter. A member of
15 the general assembly or temporary employee of the
16 general assembly who made an application to the
17 department to be covered under this chapter may
18 terminate membership under this chapter by informing
19 the department in writing of the member's or temporary
20 employee's termination."
21 2. By renumbering sections as needed.

Johnson of Howard rose on a point of order that amendment H—5569 was not germane.

The Speaker ruled the point well taken and amendment H—5569 not germane.

Lind of Black Hawk offered amendment H—5459 filed by him as follows:

H—5459

1 Amend House File 2465 as follows:
2 1. Page 5, by inserting after line 34 the
3 following:
4 "Sec. . Section 321.207, Code 1981 Supplement,
5 is amended to read as follows:
6 321.207 RECORD FORWARDED. Every court having
7 jurisdiction over offenses committed under this
8 chapter, or any other law of this state or any city
9 or county traffic ordinances, other than parking
10 regulations, regulating the operation of motor vehicles
11 on highways, shall forward to the department a record
12 of the conviction of any person in the court for a
13 violation of any said of those laws, and may recommend
14 the suspension of the operator's or chauffeur's license
15 of the person convicted, and the department shall
16 consider and act upon the recommendation. However,
17 a record of conviction for a scheduled excessive speed
18 violation of ten miles per hour or less over the
19 posted speed limit shall not be forwarded to the
20 department nor result in a license suspension or
21 revocation if the person signed the admission of
22 violation on the citation and complaint pursuant to
23 section 805.9, subsection 1."
24 2. Renumber sections and correct internal
25 references to conform with this amendment.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5554, to amendment H—5459,

filed by Lind of Black Hawk, et al., on March 25, 1982.

Schroeder of Pottawattamie asked and received unanimous consent to suspend the rules to substitute amendment H—5575, to amendment H—5459, for amendment H—5571, to amendment H—5459.

Schroeder of Pottawattamie offered the following amendment H—5575, to amendment H—5459, filed by Schroeder and Lind from the floor and moved its adoption:

H—5575

1 Amend the Lind amendment, H—5459, to House File
2 2465 as follows:

3 1. Page 1, by striking lines 2 through 25 and
4 inserting in lieu thereof the following:

5 "1. Page 5, by inserting after line 34 the
6 following:

7 "Sec. . Section 321.200, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
10 321.491 and other contrary provisions of the Code,
11 records of the department of speeding violations in
12 speed zones of thirty-five miles per hour or greater
13 shall remain confidential with the department if the
14 violations are not greater than ten miles per hour
15 over the legal speed limit. However such violations
16 shall be public records during any period when more
17 than six violations have occurred in the preceding
18 twelve months. This paragraph does not prohibit
19 disclosures by the department under section 321.513
20 or chapter 321C."

21 2. Page 6, by inserting after line 20 the
22 following:

23 "Sec. . Section 321.210, unnumbered paragraph
24 6, Code 1981, is amended to read as follows:

25 However, a warning memorandum, summons, conviction
26 or forfeiture of bail not vacated, for a violation
27 of any section of the Code or any municipal ordinance
28 pertaining to the standards to be maintained for motor
29 vehicle equipment, except sections 321.430 or 321.431
30 or any municipal ordinance pertaining to motor vehicle
31 brake requirements, shall not be taken into
32 consideration in determining suspension or the length
33 of suspension of an operator's or chauffeur's license.
34 A violation of sections 321.430 or 321.431 or any
35 municipal ordinance pertaining to motor vehicle brake
36 requirements shall not be taken into consideration

37 in determining suspension or the length of suspension
38 of an operator's or chauffeur's license if the
39 equipment in violation of the Code or municipal
40 ordinance has been repaired within seventy-two hours
41 of such warning memorandum, summons, conviction, or
42 forfeiture of bail not vacated, and evidence of such
43 repair has immediately been sent to the director.
44 The accumulation by a licensee of six or fewer
45 scheduled speeding violations within a twelve-month
46 period in speed zones of thirty-five miles per hour
47 or greater is not sufficient cause for the department
48 to suspend the person's operator's or chauffeur's
49 license if none of the violations are greater than
50 ten miles per hour over the legal speed limit."

Page 2

1 3. Renumber sections as necessary."

Amendment H—5575 was adopted, placing out of order amendment H—5571 filed by Lind, et al., on March 25, 1982.

Schroeder of Pottawattamie moved the adoption of amendment H—5459, as amended.

Carpenter of Polk rose on a point of order that amendment H—5459, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—5459, as amended, not germane.

Lind of Black Hawk asked that the rules be suspended to consider amendment H—5459, as amended.

Objection was raised.

Woods of Polk moved that the rules be suspended to consider amendment H—5459, as amended.

A non-record roll call was requested.

The ayes were 32, nays 62.

The motion lost.

Schroeder of Pottawattamie offered amendment H—5556 filed by Schroeder and Van Maanen as follows:

H—5556

1 Amend House File 2465 as follows:

2 1. Page 7, by inserting after line 27 the
3 following:

4 "Sec. . Section 524.706, subsection 1, paragraph
5 a, Code 1981, is amended to read as follows:

6 a. An executive officer of a state bank may receive
7 loans or extensions of credit from a state bank of
8 which he the person is an executive officer, resulting
9 in obligations as defined in section 524.904,
10 subsection 1, not exceeding, in the aggregate:

11 (1) Such amount as the bank is permitted to lend
12 pursuant to section 524.905, subsection 2, if, at
13 the time such obligation is incurred, it is An amount
14 secured by a first lien on a dwelling which is
15 expected, after the obligation is incurred, to be
16 owned by the executive officer and used by him as
17 his the officer's residence, provided that at the
18 time after the loan is made there is no other loan
19 by the bank to the executive officer, under authority
20 of this subparagraph, outstanding; and.

21 (2) An amount not exceeding an aggregate of twenty
22 thousand dollars outstanding at any one time, to
23 finance the education of a child or children of the
24 executive officer; and.

25 (3) Any other loans or extensions of credit which
26 in the aggregate do not at any one time exceed ten
27 thousand dollars.

28 (4) Other amounts which do not, in the aggregate,
29 exceed the principal amounts of time certificates
30 of deposit in the bank which are held in the name
31 of the executive officer, if repayment of the loan
32 or credit amounts is at all times secured by pledge
33 of the certificates. An interest in or portion of
34 a time certificate of deposit does not satisfy the
35 requirements of this subparagraph if that interest
36 or portion is also pledged to secure the payment of
37 a debt or obligation of any person other than the
38 executive officer."

39 2. Renumber sections as necessary.

Ritsema of Sioux rose on a point of order that amendment H—5556 was not germane.

The Speaker ruled the point well taken and amendment H—5556 not germane.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H—5556.

Objection was raised.

Spear of Lee offered amendment H—5479 filed by him as follows:

H—5479

- 1 Amend House File 2465 as follows:
- 2 1. Page 8, by inserting after line 6 the following:
- 3 "Sec. . . Section 595.16, Code 1981, is amended
- 4 to read as follows:
- 5 595.16 SPOUSE RESPONSIBLE FOR RETURN. When a
- 6 marriage is consummated solemnized without the services
- 7 of a cleric or magistrate, the required return thereof
- 8 of the marriage may be made to the clerk by either
- 9 spouse."
- 10 2. By renumbering sections as necessary.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5503, to amendment H—5479, filed by him on March 22, 1982.

Johnson of Howard rose on a point of order that amendment H—5479 was not germane.

The Speaker ruled the point not well taken and amendment H—5479 germane.

Spear of Lee moved the adoption of amendment H—5479.

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—5479 lost.

Schroeder of Pottawattamie offered amendment H—5508 filed by him as follows:

H—5508

- 1 Amend House File 2465 as follows:

- 2 1. Page 8, by inserting after line 6, the
3 following:
4 "Sec. . Section 684.19, unnumbered paragraph 1,
5 is amended to read as follows:
6 Any such rules and forms prescribed by the supreme
7 court shall be reported by it to the general assembly
8 within twenty days after the commencement of either
9 regular session and shall take effect July 1 following
10 the date of their submission, with such changes, if
11 any, as may have been enacted at such session; and
12 thereafter all laws in conflict therewith shall be of
13 no further force or effect."

Schroeder of Pottawattamie offered the following amendment
H—5515, to amendment H—5508, filed by him and moved its adop-
tion:

H—5515

- 1 Amend H—5508 to House File 2465 as follows:
2 1. By striking lines 9 through 13 and inserting
3 in lieu thereof the following: "regular session and
4 shall be submitted directly to the general assembly
5 as one or more House or Senate Joint Resolutions which
6 if not amended or acted upon by either house shall
7 have full force and effect as submitted July 1
8 following their submission, or if acted upon shall
9 take effect July 1 following the date of their
10 submission as provided by law, with such any changes,
11 if any, as may have been enacted at such the session;
12 and thereafter all laws in conflict therewith shall
13 be of no further force or effect."

Amendment H—5515, to amendment H—5508, was adopted.

Schroeder of Pottawattamie moved the adoption of amendment
H—5508, as amended.

Conlon of Muscatine rose on a point of order that amendment
H—5508, as amended, was not germane.

The Speaker ruled the point well taken and amendment
H—5508, as amended, not germane.

Clements of Scott asked and received unanimous consent to
withdraw amendment H—5493 filed by him on March 19, 1982.

Johnson of Howard moved that the bill be read a last time now
and placed upon its passage which motion prevailed and the bill was
read a last time.

On the question "Shall the bill pass?" (H.F. 2465)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 4:

Holt	Howell	O'Kane	Schroeder
------	--------	--------	-----------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2421 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2421 be deferred and that the bill retain its place on the calendar.

Senate File 260, a bill for an act to provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact, with report of committee recommending amendment and passage was taken up for consideration.

Mann of Greene offered the following amendment H—5256 filed by the committee on transportation and moved its adoption:

H—5256

- 1 Amend Senate File 260, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "sections" the figure "321.193,".
- 5 2. Page 1, line 7, by inserting after the figure
- 6 "321.513, the figures "321.560, 321A.6,".

The committee amendment H—5256 was adopted.

Mann of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 260)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Weiden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Crabb

Holt

Howell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 536, a bill for an act relating to multidisciplinary team access to child abuse information, with report of committee recommending passage was taken up for consideration.

Mullins of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 536)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Lind

Absent or not voting, 3:

Brandt

Holt

Howell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2201, a bill for an act to authorize the state department of transportation to enter into agreements for the collection and refunding of interstate motor fuel tax, with report of committee recommending passage was taken up for consideration.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2201)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 3:

Brandt

Holt

Howell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive, with reports of committees recommending amendment and passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H-5135 filed by the committee on energy and moved its adoption:

H-5135

- 1 Amend Senate File 312 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 441.21, subsection 13,
- 6 paragraph b, Code 1981, is amended to read as follows:
- 7 b. Notwithstanding paragraph "a" of this
- 8 subsection, any construction or installation of a
- 9 solar energy system or gas production systems using
- 10 waste or manure to produce gas completed on property
- 11 classified as agricultural, residential, commercial,
- 12 or industrial property shall not increase the actual,
- 13 assessed and taxable values of such the property for
- 14 assessment years beginning on January 1, 1979 and
- 15 ending on or before December 31, 1985. In addition,
- 16 notwithstanding paragraph a of this subsection, any
- 17 construction or installation of a solar energy system
- 18 on property so classified shall not increase the
- 19 actual, assessed and taxable values of the property
- 20 for five full assessment years."
- 21 2. Page 1, lines 23 and 24, by striking the words
- 22 and figures "ending on December 31, 1985 and".
- 23 3. Renumber as necessary.

The committee amendment H-5135 was adopted.

Ritsema of Sioux offered the following amendment¹ H-5473 filed by the committee on ways and means and moved its adoption:

H-5473

1 Amend Senate File 312, as amended and passed by
2 the Senate, as follows:

3 1. Page 1, line 10, by inserting after the word
4 "use" the words and figures "which is constructed
5 or installed after January 1, 1978".

6 2. Page 1, line 14, by inserting after the word
7 "energy" the words and figures "which is constructed
8 or installed after January 1, 1981".

The committee amendment H-5473 was adopted.

The following amendment H-5578 filed by Ritsema of Sioux, from the floor, was adopted by unanimous consent:

H-5578

1 Amend Senate File 312, as follows:

2 1. Title page, by striking lines 4 and 5 and
3 inserting in lieu thereof the following: "designated
4 assessment years, and making certain provisions of
5 the Act retroactive."

Petrick of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 312)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind

Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 5:

Doderer	Harbor	Holt	Howell
Tyrrell			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

The House resumed consideration of **Senate File 26**, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Avenson of Fayette offered the following amendment H—5400 filed by him and moved its adoption:

H—5400

- 1 Amend Senate File 26, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 6 and inserting in lieu
- 4 thereof the following: "321.264, or 321.372, the officer
- 5 may request any owner of the motor".

Amendment H—5400 was adopted.

Speaker pro tempore Menke of O'Brien in the chair at 10:35 a.m.

Schnekloth of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 26)

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.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Harbor	Hoffmann-Bright
Horn	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, 4:

Davitt	Hanson, D.	Mullins	Poffenberger
--------	------------	---------	--------------

Absent or not voting, 3:

Baxter	Holt	Howell
--------	------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2077, a bill for an act relating to the auditing of claims by a board of directors of a merged area, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5306 filed by him and moved its adoption:

H-5306

- 1 Amend Senate File 2077, as passed by the Senate
- 2 as follows:
- 3 1. Page 1, lines 11 and 12, by striking the
- 4 words "or may employ a certified public accountant".

Amendment H-5306 lost.

Lind of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2077)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneran
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 3:

Holt

Howell

Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2143 WITHDRAWN

Johnson of Woodbury asked and received unanimous consent to withdraw House File 2143 from further consideration by the House.

Senate File 2068, a bill for an act relating to payment of expenses by boards of directors of merged areas, with report of committee recommending passage was taken up for consideration.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2068)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connors
Cook	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poney	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		
	(Menke)		

The nays were, 1:

Schroeder

Absent or not voting, 4:

Connolly

Holt

Howell

Lind

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 24, a bill for an act relating to the requirement that plans and specifications for new health care facilities and remodeling of or additions to existing health care facilities be submitted to the department of health for preliminary inspection and approval or recommendations and that the department either waive or pay the costs to correct any deficiencies which were not noted by the department in the plans or specifications, with report of committee recommending passage was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5169 filed by him on February 17, 1982.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 24)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncey	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stromer

Stueland
Swearingen
Van Maanen
Woods

Sturgeon
Tofte
Walter
Mr. Speaker
(Menke)

Sullivan
Trucano
Welden

Swartz
Tyrrell
Welsh

The nays were, 1:

Doderer

Absent or not voting, 4:

Harbor

Holt

Howell

Knapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2086, a bill for an act exempting individual farm owner accounts from examination by the Iowa real estate commission, with report of committee recommending passage was taken up for consideration.

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2086)

The ayes were, 96:

Anderson, J.
Baxter
Branstad
Carpenter
Clements
Connors
Daggett
Dieleman
Fey
Halvorson, R. A.
Harbor
Jay
Johnson, W.
Lind
Maulsby
O'Kane
Pelton
Pope
Ritsema
Schroeder

Anderson, R.
Bennett
Bruner
Chiodo
Cochran
Cook
Danker
Diemer
Gettings
Halvorson, R. N.
Hoffmann-Bright
Jochum
Knapp
Lloyd-Jones
McKean
Oxley
Petrick
Rapp
Rosenberg
Shull

Arnould
Binneboese
Byerly
Clark, B. J.
Conlon
Corey
Davitt
Doderer
Groth
Hansen, I.
Horn
Johnson, J.
Krewson
Lonergan
Mullins
Pavich
Poffenberger
Renaud
Running
Smalley

Avenson
Brandt
Carl
Clark, J. H.
Connolly
Crabb
De Groot
Egenes
Hall
Hanson, D.
Hummel
Johnson, R.
Lageschulte
Mann
Norland
Pellett
Poncy
Renken
Schnekloth
Smith

Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 3:

Gross	Holt	Howell
-------	------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2097, a bill for an act allowing the certification of floor plans for a building as required under chapter 499B by a registered land surveyor, with report of committee recommending passage was taken up for consideration.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2097)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith

Spear
Sullivan
Trucano
Welden

Stromer
Swartz
Tyrrell
Welsh

Stueland
Swearingen
Van Maanen
Woods

Sturgeon
Tofte
Walter
Mr. Speaker
(Menke)

The nays were, none:

Absent or not voting, 3:

Holt

Howell

Johnson, W.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H—5171 filed by Spear and Clements as follows:

H—5171

- 1 Amend Senate File 537 as follows:
- 2 1. Page 1, by striking lines 7 through 18.
- 3 2. Page 2, by striking line 2 and inserting in lieu
- 4 thereof the following:
- 5 "Sec. . Section 141.4 and chapter 596, Code 1981,
- 6 are repealed."

Schroeder of Pottawattamie rose on a point of order that amendment H—5171 was not germane.

The Speaker ruled the point not well taken and amendment H—5171 germane.

Spear of Lee moved the adoption of amendment H—5171.

A non-record roll call was requested.

The ayes were 57, nays 31.

Amendment H—5171 was adopted.

Spear of Lee asked and received unanimous consent to withdraw the following amendments:

H—5168 filed by Spear on February 17, 1982.

H—5177 filed by Spear on February 18, 1982.

H—5273 filed by Spear on March 1, 1982.

Spear of Lee offered amendment H—5377 filed by him as follows:

H—5377

- 1 Amend Senate File 537 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 33 and 34 and
- 4 inserting in lieu thereof the following: "the. The
- 5 clerk of the district court shall not make any record
- 6 or certificate regarding such the marriage or marriage
- 7 ceremony".
- 8 2. Page 2, line 1, by inserting after the word
- 9 and figure "section 596.2" the words and figures
- 10 "unless the parties are eligible for a license under
- 11 section 595.3".

Krewson of Polk rose on a point of order that amendment H—5377 was not germane.

The Speaker ruled the point well taken and amendment H—5377 not germane.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5292 filed by him on March 2, 1982.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 537)

The ayes were, 62:

Anderson, J.
Baxter
Bruner
Cochran

Anderson, R.
Bennett
Carl
Conlon

Arnould
Binneboese
Carpenter
Connolly

Avenson
Brandt
Clark, J. H.
Crabb

Dieleman	Diemer	Doderer	Egenes
Fey	Gross	Groth	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Horn	Hummel	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Loneragan
Mullins	Norland	O'Kane	Pellett
Pelton	Petrick	Poffenberger	Pope
Rapp	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smith
Spear	Stromer	Stueland	Sturgeon
Swearingen	Tofte	Walter	Welden
Welsh	Mr. Speaker (Menke)		

The nays were, 35:

Branstad	Byerly	Chiodo	Clark, B. J.
Clements	Connors	Cook	Corey
Daggett	Danker	Davitt	De Groot
Gettings	Hall	Harbor	Jay
Jochum	Johnson, J.	Lind	Lloyd-Jones
Mann	Maulsby	McKean	Oxley
Pavich	Poncy	Renaud	Renken
Smalley	Sullivan	Swartz	Trucano
Tyrrell	Van Maanen	Woods	

Absent or not voting, 2:

Holt	Howell
------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN (House File 2430)

Lind of Black Hawk asked and received unanimous consent to withdraw the motion to reconsider the vote by which House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings, passed the House on March 17, 1982.

MOTION TO RECONSIDER WITHDRAWN (House File 2439)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider the vote by which House

File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, passed the House on March 24, 1982.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39, to add Senate File 2202 to the Weekly Debate Calendar for the week of March 29, 1982.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2273, a bill for an act balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

K. MARIE THAYER, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 25, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 469, an act relating to the audit and certification of claims for the personal property tax credit.

House File 505, an act to remove the requirement that assessors itemize individual names and legal descriptions in their annual reports of exempt property to the Department of Revenue.

House File 772, an act establishing a hunter safety and ethics education program and subjecting violators to a penalty, to be effective July 1, 1983.

House File 2003, an act to legalize the sale of certain property in Rolfe, Pocahontas County, Iowa.

House File 2027, an act to provide for a special turkey hunting license for landowners and tenants of farm units and their family members.

House File 2067, an act to change the procedures relating to failure to renew a license issued by the Board of Accountancy.

House File 2147, an act changing the date for the organizational meeting of the board of directors of a merged area.

House File 2348, an act to permit the Board of Podiatry Examiners to issue a temporary certificate to practice podiatry.

Senate File 487, an act allowing the operation of golf carts on the streets of cities.

Senate File 2175, an act revising the Iowa Code of Military Justice including providing penalties.

Senate File 2183, an act relating to vehicle registration by allowing the issuance of special mobile equipment plates for a period of three years and abolishing the use of gross weight emblems and providing a December 1, 1983 effective date.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a short period of time March 26, 1982. Had I been present, I would have voted "aye" on Senate File 2097.

JOHNSON of Woodbury

PRESENTATION OF VISITORS

Avenson of Fayette presented Paul Copenhaver, recently elected to the House of Representatives, from Buchanan County.

Clark of Lee presented to the House, the Honorable Stanley T. Shepherd, former member of the House representing Lee County.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

OFFICE FOR PLANNING AND PROGRAMMING

The report of the Office for Planning and Programming for Fiscal Year 1981, pursuant to Chapter 7A.2.17, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 2447

Appropriations: Halvorson of Clayton, Chair; Harbor and Norland.

Senate File 2037

Energy: Poffenberger, Chair; Howell and Ritsema.

Senate File 2040

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

Senate File 2103

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

Senate File 2120

Education: Krewson, Chair; Swearingen and Jay.

Senate File 2165

Education: Swearingen, Chair; Holt and Carl.

Senate File 2178

State Government: Swearingen, Chair; Brandt, Carpenter, Dieleman and Tofte.

Senate File 2187

Judiciary and Law Enforcement: Conlon, Chair; Swartz and Arnould.

Senate File 2192

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 2197

Judiciary and Law Enforcement: Smalley, Chair; Poffenberger, Trucano, Doderer and Welsh.

Senate File 2202

Judiciary and Law Enforcement: Ritsema, Chair; Conlon, Corey, Rapp and Sturgeon.

Senate File 2204

Judiciary and Law Enforcement: Conlon, Chair; Jay and Rosenberg.

Senate File 2209

Judiciary and Law Enforcement: Poffenberger, Chair; Brandt and Rapp.

Senate File 2220

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

Senate File 2240

Commerce: Johnson of Linn, Chair; Swearingen, Smith, Bruner and Chiodo.

Senate File 2242

Commerce: Halvorson of Clayton, Chair; Chiodo and Shull.

Senate File 2245

Human Resources: Krewson, Chair; Gross, Lonergan, Carl and Menke.

Senate File 2253

State Government: Trucano, Chair; Chiodo and Hanson of Delaware.

Senate File 2258

Judiciary and Law Enforcement: Conlon, Chair; Rosenberg and Arnould.

Senate File 2259

State Government: Clark of Cerro Gordo, Chair; Chiodo, Hoffmann-Bright, Lloyd-Jones and Tofte.

Senate File 2265

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Welsh and Smalley.

Senate File 2266

Judiciary and Law Enforcement: Gross, Chair; Halvorson of Clayton and Brandt.

Senate File 2267

Judiciary and Law Enforcement: Conlon, Chair; Brandt and Johnson of Howard.

Senate File 2268

Judiciary and Law Enforcement: Trucano, Chair; Rapp and Smalley.

Senate File 2270

Judiciary and Law Enforcement: Conlon, Chair; Rosenberg and Gross.

Senate File 2271

State Government: Hanson of Delaware, Chair; Harbor and Lloyd-Jones.

Senate File 2274

Human Resources: Krewson, Chair; Gross, Lonergan, Menke and Carl.

Senate File 2278

Judiciary and Law Enforcement: Johnson of Howard, Chair; Jay and Sturgeon.

Senate File 2281

State Government: Trucano, Chair; Clark of Cerro Gordo and Dieleman.

Senate File 2282

State Government: Smith, Chair; Hoffmann-Bright and Brandt.

Senate File 2283

State Government: Harbor, Chair; Brandt and Lageschulte.

Senate File 2285

State Government: Hanson of Delaware, Chair; Harbor and Lloyd-Jones.

Senate File 2287

Agriculture: McKean, Chair; De Groot and Welsh.

Senate File 2290

Agriculture: Stueland, Chair; Bennett and Knapp.

Senate File 2294

Judiciary and Law Enforcement: Conlon, Chair; Arnould and Trucano.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON CITIES

Senate File 578, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COUNTY GOVERNMENT

Senate File 460, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2019, a bill for an act relating to grave markers for veterans.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

Senate File 2118, a bill for an act allowing spouses of school board members to receive up to two thousand and five hundred dollars compensation in a fiscal year from the school board.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2187, a bill for an act relating to costs incurred for a mobile home space when a tenant abandons the mobile home.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5577.

Senate File 2266, a bill for an act relating to the prosecution and sentencing of a person who admits the fraudulent receipt of certain public assistance.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5583.

COMMITTEE ON TRANSPORTATION

Senate File 2256, a bill for an act allowing the consignment sale of used travel trailers by licensed travel trailer dealers and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5576.

AMENDMENTS FILED

H-5576	S.F. 2256	Committee on Transportation
H-5577	S.F. 2202	Committee on Judiciary and Law Enforcement
H-5579	S.F. 387	Woods of Polk Renaud of Polk Pavich of Pottawattamie Byerly of Polk
H-5580	H.F. 2473	De Groot of Lyon
H-5581	H.F. 2468	Johnson of Linn
H-5582	H.F. 2474	Diemer of Black Hawk Sullivan of Van Buren Smalley of Polk Poncy of Wapello Jay of Appanoose Hanson of Delaware Tyrrell of Iowa Gettings of Wapello
		Committee on State Government
		Shull of Warren Avenson of Fayette Daggett of Taylor Fey of Scott Halvorson of Webster Lind of Black Hawk Maulsby of Calhoun
H-5583	S.F. 2178	

H-5584

S.F. 2132

Sturgeon of Woodbury

H-5585

S.F. 2040

Spear of Lee

On motion by Pope of Polk, the House adjourned at 11:53 a.m., until 10:00 a.m., Monday, March 29, 1982.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day—Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 29, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend John W. Gilmore, pastor of the Our Savior United Presbyterian Church, LeClaire.

The Journal of Friday, March 26, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lind of Black Hawk on request of Menke of O'Brien; Chiodo of Polk and Connors of Polk on request of Norland of Worth; Tofte of Winneshiek on request of Holt of Clay; Lageschulte of Bremer on request of Branstad of Winnebago; Brandt of Black Hawk on request of Doderer of Johnson.

SENATE MESSAGE CONSIDERED

Senate File 2273, by committee on labor and industrial relations, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

Read first time and referred to committee on **labor and industrial relations**.

HOUSE FILE 2414 WITHDRAWN

Harbor of Mills asked and received unanimous consent to withdraw House File 2414 from further consideration by the House.

CONSIDERATION OF BILLS

Regular Calendar

House File 2427, a bill for an act to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and

Whitewater townships effective upon publication, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2427)

The ayes were, 81:

Anderson, J.	Arnould	Baxter	Bennett
Branstad	Bruner	Carl	Carpenter
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poney	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 18:

Anderson, R.	Avenson	Binneboese	Brandt
Byerly	Chiodo	Clark, J. H.	Connors
Egenes	Jochum	Lageschulte	Lind
Menke	Oxley	Rapp	Tofte
Walter	Welsh		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2427)

Pope of Polk asked and received unanimous consent that House File 2427 be immediately messaged to the Senate.

HOUSE FILE 2467 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2467 be deferred and that the bill retain its place on the calendar.

Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Hanson of Delaware offered amendment H-5404 filed by the committee on county government as follows:

H-5404

- 1 Amend Senate File 396 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking line 7 and inserting in
- 4 lieu thereof the following:
- 5 "Sec. . Section 409.1, Code 1981, is amended
- 6 by adding the following new unnumbered paragraph:
- 7 **NEW UNNUMBERED PARAGRAPH.** A lot resulting from
- 8 an act of subdivision otherwise subject to the
- 9 requirements of this section is exempt from those
- 10 requirements where all of the following conditions
- 11 exist:
- 12 1. The parcel being subdivided has been improved
- 13 by a group of structures capable of use for dwelling,
- 14 commercial, manufacturing, processing or agricultural
- 15 purposes, independently of any other group of
- 16 structures on the parcel capable of one of those uses.
- 17 2. Both groups of structures were in existence
- 18 on the land, or construction of them was begun on
- 19 the land before July 1, 1976.
- 20 3. The act of subdivision causes the inclusion
- 21 of any of the groups of structures on the lot.
- 22 Upon request by a proprietor, the city or county
- 23 assessor shall certify that a particular group of
- 24 structures was in existence on the land, or
- 25 construction of them was begun on the land before
- 26 July 1, 1976. As used in this paragraph, "group"
- 27 and "groups" includes one or more structures.
- 28 Sec. . **NEW SECTION. APPLICABILITY.** Sections
- 29 1 through 3 of this Act apply".
- 30 2. Renumber as necessary.

Hanson of Delaware offered the following amendment H-5466,

to amendment H—5404, filed by him and moved its adoption:

H—5466

- 1 Amend amendment H—5404 to Senate File 396 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 22, by striking the words "city or".

Amendment H—5466, to amendment H—5404, was adopted.

Hanson of Delaware moved the adoption of the committee amendment H—5404, as amended.

The committee amendment H—5404, as amended, was adopted, placing out of order the following amendments:

H—5096 filed by Harbor of Mills on February 11, 1982.

H—5104 filed by Corey of Louisa on February 11, 1982.

Swearingen of Keokuk offered the following amendment H—5287 filed by him and moved its adoption:

H—5287

- 1 Amend Senate File 396 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 1 the following:
- 4 "As used in this section, "subdivide" means dividing
- 5 of land into two or more parcels."

Amendment H—5287 was adopted.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 396)

The ayes were, 88:

Anderson, J.
Baxter
Bruner
Clements
Cook

Anderson, R.
Bennett
Carl
Cochran
Corey

Arnould
Binneboese
Carpenter
Conlon
Crabb

Avenson
Branstad
Clark, B. J.
Connolly
Daggett

Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 11:

Brandt	Byerly	Chiodo	Clark, J. H.
Connors	Davitt	Jochum	Lageschulte
Lind	Rapp	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SUPPLEMENTAL REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named person duly elected to and entitled to a seat in the House of Representatives of the Sixty-ninth General Assembly as shown by duplicate copies of the certificate of election on file in the office of the Secretary of State:

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, Speaker of the House:

I, MARY JANE ODELL, Secretary of the State of Iowa, custodian of the files and

records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on March 23, 1982, Paul G. Copenhagen was elected to fill the vacancy in the office of State Representative for the thirty-second district, for the balance of the two year term which began on January 1, 1981.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this twenty-ninth day of March, 1982.

MARY JANE ODELL, Secretary of State

WILLIAM H. HARBOR, Chair
HUGO SCHNEKLOTH
WALTER CONLON
LOWELL E. NORLAND
DONALD H. BINNEBOESE

Harbor of Mills moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

Hummel of Benton moved that a committee of two be appointed to escort Representative-elect Paul Copenhagen to the well of the House.

The motion prevailed and the Speaker appointed Hummel of Benton and Avenson of Fayette to escort Representative-elect Copenhagen. The Chief Clerk administered the following oath of office:

OATH OF OFFICE

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the state of Iowa and that I will faithfully and impartially discharge the duties of my office of State Representative in the General Assembly of the State of Iowa to the best of my ability, so help me God."

PAUL COPENHAVER

The committee escorted Representative Copenhagen to his seat.

Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program, with report of committee recommending amendment and passage was taken up for consideration.

Hoffmann-Bright of Muscatine offered amendment H-5392 filed by the committee on state government as follows:

H-5392

1 Amend Senate File 2216 as passed by the Senate,
2 as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Chapter 7A, Code 1981, is amended
6 by adding sections 2 through 4 of this Act.

7 Sec. 2. NEW SECTION. GOVERNOR'S YOUTH CORPS
8 ESTABLISHED. A governor's youth corps is established
9 in this state. The objectives of the youth corps
10 are to provide meaningful and productive public service
11 jobs for youth, assist youth in securing unsubsidized
12 employment, and develop opportunities for youth, to
13 engage in volunteer community service activities.
14 The general assembly intends that participation in
15 the youth corps will provide youth with an opportunity
16 to explore careers, gain needed work experience, and
17 contribute to the general welfare of their communities
18 and state. The youth corps shall provide the following
19 programs:

20 1. A public service employment program for
21 disadvantaged and handicapped youth attending school.

22 2. A summer employment program for youth of all
23 social and economic classifications.

24 3. A youth volunteer program.

25 Sec. 3. NEW SECTION. ADMINISTRATION. The office
26 for planning and programming shall administer the
27 governor's youth corps and shall adopt rules governing
28 its operation and eligibility for participation.

29 The programs of the governor's youth corps shall be
30 open to both sexes. A person must be at least fourteen
31 years of age and not older than nineteen years six
32 months at the time of enrollment to receive wages
33 or stipends through the youth corps. The office for
34 planning and programming shall submit an annual report
35 to the general assembly on the governor's youth corps
36 by January 15 of each year.

37 Sec. 4. NEW SECTION. EMPHASIS AND CONTRIBUTIONS.

38 The governor's youth corps shall give emphasis in
39 its employment and volunteer programs to projects
40 related to soil conservation, land management, energy
41 savings, community improvement activities, economic
42 development, and work benefiting human service
43 programs. The office for planning and programming
44 may require participating nonprofit private or public
45 agencies operating a youth corps project to contribute

46 at least thirty-five percent of the total project
47 budget. The contribution may be in the form of cash
48 or services.
49 Sec. 5. Section 7A.3, Code 1981, is amended by
50 striking the section and inserting in lieu thereof

Page 2

1 the following:

2 7A.3 PRIMARY RESPONSIBILITY. The primary
3 responsibility of the office for planning and
4 programming is to coordinate the development of state
5 and local government programs in order to promote
6 efficient and economic use of federal, state, local,
7 and private resources. To carry out this
8 responsibility, the office shall:

9 1. Provide technical and financial assistance
10 to local and regional government organizations in
11 Iowa, analyze intergovernmental relations in Iowa,
12 and recommend policies to state agencies, local
13 governments, the governor, and the general assembly.

14 2. Provide coordination of state policy planning,
15 management of interagency programs of the state, and
16 recommend policies to the governor and the general
17 assembly.

18 3. Maintain and make available demographic and
19 other information useful for state and local planning.

20 4. Prepare and submit economic reports appraising
21 the economic condition, growth and development of
22 the state.

23 5. Analyze the quality and quantity of services
24 required for the orderly growth of the state, taking
25 into consideration the relationship of activities,
26 capabilities, and future plans of private enterprise,
27 the local, state and federal governments, and regional
28 units established under any state or federal
29 legislation, and make recommendations to the governor
30 and the general assembly for the establishment and
31 improvement of such services.

32 6. Apply for, receive, administer, and use federal
33 or other funds available for achieving the purposes
34 of this chapter.

35 7. Inquire into methods of planning and program
36 development, and the conduct of affairs of state
37 government; prescribe adequate systems of records
38 for planning and programming; establish standards
39 for effective planning and programming; and exercise
40 all other powers necessary in discharging the powers
41 and duties of this chapter.

42 8. Analyze the relationship of federal and private
43 aid programs to state and locally financed programs

44 and make recommendations to state agencies, local
45 governments, the governor, and the general assembly
46 on means of avoiding duplication of activity and of
47 increasing efficiency.

48 9. Carry out any other duties consistent with
49 this chapter as directed by the governor or the general
50 assembly.

Page 3

1 Sec. 6. Section 103A.4, Code 1981, is amended
2 to read as follows:

3 103A.4. COMMISSIONER. The director of the division —
4 of municipal affairs, in the office for planning and
5 programming shall commissioner of public safety, in
6 addition to his other duties, shall serve as the state
7 building code commissioner, or may designate a building
8 code commissioner.

9 Sec. 7. Section 249B.19, Code 1981, is amended
10 to read as follows:

11 249B.19 ALLOCATION OF FUNDS. All funds
12 appropriated to the commission from the general fund
13 for the elderly care program shall be allocated
14 initially to the area agencies on aging on the basis
15 of population over sixty-five years of age, double-
16 weighted for the low income population over sixty-
17 five years of age. Area agencies on aging may apply
18 for grants of funds not to exceed the amount allocated
19 to the area by this method. Area agency on aging
20 applications shall consist of grant requests from
21 local, public and private organizations recommended
22 and prioritized given priority ranking by the area
23 agency to the commission based upon area wide needs
24 assessment for elderly low income Iowans and
25 compatibility with the comprehensive aging plan for
26 the area. The interagency co-ordinating committee
27 shall review the grant applications of area agencies
28 on aging and make recommendations to the commission
29 regarding the awarding of grants to area agencies
30 on aging. The commission shall have final
31 responsibility for awarding grants to the area agencies
32 on aging. The funds allocated to area agencies on
33 the basis of population and income and not granted
34 by the commission to the area agencies by December
35 1 and the funds granted by the commission to the area
36 agencies by December 1 which the commission determines
37 will not be expended during the fiscal year shall
38 be considered excess funds and shall be transferred
39 to a reallocation pool. The reallocation pool shall
40 be reallocated to area agencies on aging by a method
41 recommended by the interagency co-ordinating committee

42 and approved by the commission. Area agencies on
43 aging may apply for grants of funds from the
44 reallocation pool. The interagency co-ordinating
45 committee shall review these applications and make
46 recommendations to the commission regarding the
47 awarding of reallocation grants. The commission shall
48 have has final authority for awarding reallocation
49 grants. Excess funds not reallocated or granted by
50 January 31 may be transferred to the office for

Page 4

1 planning and programming energy policy council to
2 be used to assist the low income elderly in the payment
3 of winter utility bills.

4 Sec. 8. Section 7A.7, Code 1981, is repealed.

5 Sec. 9. PRIOR ACTIONS. A rule adopted, permit
6 or order issued, or approval given under chapter 103A
7 before the effective date of this Act, by the director
8 of the division of municipal affairs or the director's
9 designated state building code commissioner, and
10 effective immediately prior to the effective date
11 of this Act, remains effective until modified or
12 rescinded by action of the commissioner of public
13 safety or the commissioner's designated state building
14 code commissioner as provided in chapter 103A.

15 Sec. 10. TRANSFER OF EMPLOYEES.

16 1. The employees of the division of municipal
17 affairs of the office for planning and programming
18 who are employed in the administration of the state
19 building code are transferred to the department of
20 public safety. However, an employee of the division
21 of municipal affairs whose duty assignment will be
22 terminated because of section 6 of this Act may be
23 reassigned to other duties or may be transferred to
24 the department of public safety. An employee shall
25 not lose benefits, including but not limited to salary,
26 retirement, vacation, or sick leave because of
27 reassignment or transfer provided in this section.

28 2. The records, equipment, and other property
29 used in the administration of the state building code
30 by the division of municipal affairs are transferred
31 to the department of public safety.

32 Sec. 11. TRANSITION TO MERIT SYSTEM.

33 1. An employee transferred to the department of
34 public safety under section 10 of this Act who holds
35 a position covered by chapter 19A as of the effective
36 date of this Act, and who has held the position or
37 another position covered by chapter 19A for six months
38 or more preceding the effective date of this Act,
39 shall be given permanent appointment in the merit

- 40 system in either of the following cases:
- 41 a. If the employee is certified by the director
- 42 of the Iowa merit employment department as having
- 43 met the minimum qualifications established for the
- 44 classification of the position held and the employee
- 45 is recommended by the appointing authority as having
- 46 given satisfactory service during the prior period
- 47 of employment.
- 48 b. If the employee does not meet the minimum
- 49 qualifications established for the classification
- 50 of the position held but is recommended by the

Page 5

1 appointing authority as having given satisfactory

2 service during the prior period of service and is

3 certified by the director of the Iowa merit employment

4 department as having passed a qualifying examination

5 for the position.

6 2. An employee transferred to the department of

7 public safety under section 10 of this Act, who holds

8 a position covered by chapter 19A as of the effective

9 date of this Act, and who fails to obtain permanent

10 status by either of the options provided in paragraphs

11 a and b of subsection 1 or who has been employed for

12 less than six months before the effective date of

13 this Act, may apply for the position held or any other

14 position covered by chapter 19A through the qualifying

15 and examining procedures established under chapter

16 19A and may be appointed to the position on a

17 noncompetitive basis.

18 3. This section does not preclude the

19 reclassification or reallocation of a position held

20 by an incumbent as provided in chapter 19A."

21 2. Amend the title, by striking lines 1 through

22 3 and inserting in lieu thereof the following: "An

23 Act relating to the duties of the office for planning

24 and programming."

Spear of Lee offered the following amendment H—5573, to amendment H—5392, filed by him and moved its adoption:

H—5573

- 1 Amend amendment H—5392 to Senate File 2216 as
- 2 follows:
- 3 1. Page 1, line 23, by striking the words "social
- 4 and".

Amendment H—5573, to amendment H—5392, was adopted.

Hoffmann-Bright of Muscatine moved the adoption of the committee amendment H—5392, as amended.

The committee amendment H—5392, as amended, was adopted.

Hoffmann-Bright of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2216)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Conlon	Connolly
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Binneboese	Brandt	Chiodo	Clark, J. H.
Connors	Jochum	Lageschulte	Lind
Rapp	Tofte		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE FILE 2157 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2157 be deferred and that the bill retain its place on the calendar.

Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered the following amendment H—5403 filed by him and moved its adoption:

H—5403

1 Amend Senate File 2100, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 21, by inserting after the word
4 "materials" the words "subject to federal minimum
5 limits of liability".

6 2. Page 1, line 29, by inserting after the word
7 "materials" the words "subject to federal minimum
8 limits of liability".

9 3. Page 2, line 14, by inserting after the word
10 "materials" the words "subject to federal minimum
11 limits of liability".

12 4. Page 2, line 22, by inserting after the word
13 "materials" the words "subject to federal minimum
14 limits of liability".

15 5. Page 3, line 7, by inserting after the word
16 "materials" the words "subject to federal minimum
17 limits of liability".

18 6. Page 3, line 15, by inserting after the word
19 "materials" the words "subject to federal minimum
20 limits of liability".

21 7. Page 3, line 34, by inserting after the word
22 "hire" the words "subject to federal minimum limits
23 of liability".

Amendment H—5403 was adopted.

Holt of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2100)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brandt	Chiodo	Connors	Lageschulte
Lind	Rapp	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 535, a bill for an act relating to the chronic renal disease program within the state department of health, with report of committee recommending passage was taken up for consideration.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 535)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brandt	Chiodo	Connors	Lageschulte
Lind	Rapp	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest even whole dollar the property tax bill for each property taxpayer, with report of committee recommending amendment and passage was taken up for consideration.

Schnekloth of Scott offered the following amendment H-5147 filed by the committee on ways and means and moved its adoption:

H-5147

- 1 Amend Senate File 558, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 16, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".
- 5 2. Page 1, line 19, by striking the word "shall"
- 6 and inserting in lieu thereof the word "may".

A non-record roll call was requested.

The ayes were 17, nays 65.

The committee amendment H-5147 lost.

Smalley of Polk offered amendment H-5359 filed by him as follows:

H-5359

- 1 Amend Senate File 558, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting before line 1 the following
- 4 new section:
- 5 "Section 1. Section 427A.4, unnumbered paragraph
- 6 2, Code 1981, as amended by Acts of the Sixty-ninth
- 7 General Assembly, 1981 Session, chapter 140, section
- 8 1, is amended to read as follows:
- 9 Each ~~even-numbered~~ year, on or before July 1, the
- 10 a taxpayer who has not previously filed an application
- 11 with the assessor shall deliver to the assessor an
- 12 application for personal property tax credit and state
- 13 by the affidavit filed in each county where the
- 14 taxpayer's personal property is situated, that the
- 15 taxpayer has not claimed a total personal property
- 16 tax credit in all counties in excess of a total of
- 17 ten thousand dollars assessed valuation. A claim
- 18 filed in 1980 and each ~~succeeding even-numbered~~ year
- 19 shall be applicable for that year and the succeeding
- 20 ~~odd-numbered~~ year years."
- 21 2. Page 1, by inserting after line 21 the following
- 22 new sections:
- 23 "Sec. . Acts of the Sixty-ninth General
- 24 Assembly, 1981 Session, chapter 140, section 2, is
- 25 amended to read as follows:

26 SEC. 2. Section 427A.4, Code 1981, is amended
27 by inserting after unnumbered paragraph 2 the following
28 new unnumbered paragraph:
29 NEW UNNUMBERED PARAGRAPH. In any ~~odd-numbered~~
30 year, a taxpayer who ~~did~~ has not file previously filed
31 an application in an ~~even-numbered~~ year with the
32 assessor shall deliver to the assessor an application
33 for personal property tax credit and state by the
34 affidavit filed in each county where the taxpayer's
35 personal property is situated, that the taxpayer has
36 not claimed a total personal property tax credit in
37 all counties in excess of a total of ten thousand
38 dollars assessed valuation.

39 Sec. . Acts of the Sixty-ninth General Assembly,
40 1981 Session, chapter 140, section 3, is amended to
41 read as follows:

42 SEC. 3. Section 428.4, Code 1981, is amended by
43 adding the following new unnumbered paragraph:
44 NEW UNNUMBERED PARAGRAPH. An assessor shall not
45 be required to contact a taxpayer in ~~odd-numbered~~
46 years any year for the purpose of listing personal
47 property but each taxpayer shall be required to file
48 a revised listing of personal property with the
49 assessor itemizing any additions or deletions to the
50 listing if the valuation of the taxpayer's personal

Page 2

1 property will affect the taxpayer's exemption.
2 However, if a taxpayer fails to file a revised listing,
3 where such filing would show an increase in valuation
4 of the taxpayer's personal property, the taxpayer
5 shall only be assessed the taxes and interest due
6 on the property the taxpayer has failed to report."
7 3. Renumber sections and correct internal
8 references as are necessary in accordance with this
9 amendment.

Norland of Worth rose on a point or order that amendment
H—5359 was not germane.

The Speaker ruled the point well taken and amendment
H—5359 not germane.

Poffenberger of Dallas offered the following amendment
H—5305 filed by Poffenberger, et al., and moved its adoption:

H—5305

- 1 Amend Senate File 558, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 18 through 21, and
- 4 inserting in lieu thereof the following: "nearest
- 5 even whole dollar."

Amendment H—5305 was adopted.

Schroeder of Pottawattamie asked for unanimous consent to reconsider amendment H—5359 filed by Smalley of Polk.

Objection was raised.

The following amendment H—5586 filed by Renken of Grundy from the floor was adopted by unanimous consent:

H—5586

- 1 Amend Senate File 558, as follows:
- 2 1. Title page, line 1, by striking the words
- 3 "authorize the county treasurer" and inserting in
- 4 lieu thereof "require the county auditor".

Renken of Grundy moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 558)

The ayes were, 91:

Anderson, J.	Anderson, R. "	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke

Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Hanson, D.

Absent or not voting, 8:

Brandt	Chiodo	Connolly	Connors
Lageschulte	Lind	Rapp	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation, with report of committee recommending passage was taken up for consideration.

Johnson of Linn offered the following amendment H—5563 filed by Johnson of Linn and O'Kane and moved its adoption:

H—5563

- 1 Amend Senate File 2046 as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 7, by striking the words "facility
- 4 or".

A non-record roll call was requested.

The ayes were 65, nays 19.

Amendment H—5563 was adopted.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2046)

The ayes were, 84:

Anderson, J.	Anderson, R.	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 8:

Arnould	Doderer	Halvorson, R. N.	Hanson, D.
Knapp	Lloyd-Jones	O'Kane	Sturgeon

Absent or not voting, 8:

Brandt	Chiodo	Connors	Krewson
Lageschulte	Lind	Rapp	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2100 WITHDRAWN

Horn of Linn asked and received unanimous consent to withdraw House File 2100 from further consideration by the House.

Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime, with report of committee recommending amendment and passage was taken up for consideration.

Trucano of Polk offered the following amendment H—5477 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5477

1 Amend Senate File 367 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 7, by inserting after the word
4 "money" the words "or other compensation".

5 2. Page 1, line 11, by inserting after the word
6 "money" the words "or other compensation".

7 3. Page 1, line 14, by inserting after the word
8 "money" the words "or other compensation".

9 4. Page 1, by striking lines 16 through 20 and
10 inserting in lieu thereof the following: "the victim,
11 who recovers a money judgment against the person or
12 the person's representatives. Notwithstanding section
13 614.1, a victim or the victim's representative who
14 has a cause of action for a crime for which an escrow
15 account or receivership is established pursuant to
16 this section, may bring the action against the escrow
17 account or against the property in receivership within
18 five years of the date the escrow account is
19 established.

20 When the nature of the compensation to the person
21 initially convicted of the crime is such that it
22 cannot be placed in an escrow account, the attorney
23 general shall assume the powers of a receiver under
24 chapter 680 in taking charge of the property for
25 benefit of and payable to any victim or representative
26 of the victim. In those instances, the date the
27 attorney general assumed the power of a receiver,
28 shall be considered the date an escrow account was
29 established for purposes of this section."

30 5. Page 1, by striking lines 21 through 27 and
31 inserting in lieu thereof the following:

32 "2. Once an escrow account or receivership is
33 established, the attorney general shall make reasonable
34 efforts to notify victims and representatives of
35 victims of the escrow account or receivership and
36 their possible rights under this section. The
37 reasonable efforts shall include but are not limited
38 to mailing the notification to known victims or
39 representatives of known victims. The cost of

40 notification shall be paid from the escrow account
41 or from the sale of property held in receivership."

42 6. Page 1, line 30, by inserting after the words
43 "from the" the words "date of".

44 7. Page 2, line 1, by inserting after the word
45 "account" the words "or property held in receivership".

46 8. Page 2, line 3, by inserting after the word
47 "money" the words "or other property".

The committee amendment H—5477 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5099 filed by him on February 11, 1982.

The following amendment H—5587 filed by Trucano of Polk from the floor was adopted by unanimous consent:

H—5587

1 Amend Senate File 367, as follows:

2 1. Title page, line 1, by inserting, after the
3 word "money" the words "or other compensation".

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 367)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud

Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brandt	Chiodo	Connors	Lageschulte
Lind	Lloyd-Jones	O'Kane	Rapp
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER WITHDRAWN (House File 2433)

Crabb of Crawford asked and received unanimous consent to withdraw the motion to reconsider House File 2433, a bill for an act requiring food service establishments that serve imported meat or meat products to list the type of meat in the products, and providing penalties, filed on March 22, 1982.

SENATE FILES 454 AND 387 DEFERRED

Pope of Polk asked and received unanimous consent that Senate Files 454 and 387 be deferred and that the bills retain their place on the calendar.

Senate File 2163, a bill for an act relating to the performance of unpaid community service by defendants convicted of crimes, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 11:28 p.m.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2163)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, none.

Absent or not voting, 9:

Brandt	Chiodo	Connors	Egenes
Hansen, I.	Lageschulte	Lind	Rapp
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2182, a bill for an act relating to reserve valuation standards for life insurance policies and annuity contracts, and non-forfeiture benefits of life insurance policies, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2182)

The ayes were, 92:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poney	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 8:

Anderson, R.	Brandt	Chiodo	Connors
Lageschulte	Lind	Rapp	Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2197, a bill for an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody, with report of committee recommending passage was taken up for consideration.

Smalley of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2197)

The ayes were, 91:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poney	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	
		(Menke)	

The nays were, none.

Absent or not voting, 9:

Anderson, R.	Brandt	Chiodo	Connors
Lageschulte	Lind	Rapp	Töfte
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN (House File 2439)

Smith of Scott asked and received unanimous consent to withdraw the motion to reconsider House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, filed on March 24, 1982.

HOUSE FILE 2419 WITHDRAWN

Hoffmann-Bright of Muscatine asked and received unanimous consent to withdraw House File 2419 from further consideration by the House.

HOUSE CONCURRENT RESOLUTION 138

By Trucano

- 1 *Whereas*, on February 26, 1982, President Reagan
2 signed a Congressional joint resolution which estab-
3 lishes 1982 as National Year of Disabled Persons;
4 and
5 *Whereas*, it is the goal of this state to assure equal
6 opportunities for services and participation in the
7 government of this state for all citizens; and
8 *Whereas*, many disabled persons are denied full
9 participation in the activities and services within
10 their communities because of environmental and
11 architectural barriers in buildings and facilities;
12 *Now Therefore*,
13 *Be It Resolved by the House of Representatives,*
14 *the Senate Concurring*, That it is the policy of this
15 state that the state and its political subdivisions and
16 their respective agencies shall conduct their public
17 business and meetings in buildings and facilities which
18 are accessible and barrier-free so that persons with
19 disabilities have an equal opportunity to participate.

Laid over under Rule 30.

SPONSORS ADDED

(Amendment H—5584 to Senate File 2132)

The following request to be added as sponsors to amendment H—5584, to Senate File 2132, filed by Sturgeon of Woodbury.

Krewson of Polk
Ritsema of Sioux
Mann of Greene
Rosenberg of Story
Fey of Scott
Baxter of Des Moines

Pelton of Clinton
Arnould of Scott
Doderer of Johnson
O'Kane of Woodbury
Bruner of Story
Howell of Floyd

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 759, an act relating to the number of years city records are required to be kept.

House File 2224, an act relating to the issuance of a warrant order covering the amounts of warrants not paid because of a fund deficiency.

House File 2249, an act relating to the cancellation of motor vehicle fuel tax licenses and providing for a waiting period before a license may be reissued or reinstated.

House File 2345, an act relating to the transfer of certain moneys and assets to parents or other persons having custody of minors.

House File 2349, an act relating to the definition of adjusted gross estate.

House File 2358, an act relating to the regulation of insurance to the extent of amending or repealing provisions in Code Sections 515.34, 515.35, 515B.5, 521A.2 and 521A.3 to provide for the regulation of the investments of insurance companies other than life, to modify the maximum liability of the Iowa Insurance Guaranty Association, and to remove certain provisions regulating insurance holding companies.

Senate File 499, an act relating to the election or appointment of the board of trustees of benefited fire districts.

Senate File 579, an act authorizing the issuance of industrial revenue bonds under Chapter 419 for certain portable equipment used for pollution control.

Senate File 2101, an act amending the schedule of controlled substances.

Senate File 2155, an act relating to the requirements for certification as an opthalmic dispenser.

Senate File 2167, an act to update references to the federal water pollution control act in Chapter 455B.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointments:

Copenhayer, Paul — Committee on Agriculture, Committee on Natural Resources, Committee on Transportation, Corrections/Mental Health Appropriations Subcommittee.

COMMUNICATION FROM SECRETARY OF STATE

March 29, 1982

Ms. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that House File 2171 was published in the Charles City Press, Charles City, Iowa on March 11, 1982 and in the Record-Herald and Indianola Tribune, Indianola, Iowa on March 25, 1982.

Respectfully Submitted,
MARY JANE ODELL
Secretary of State

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mr. Smith. By Jay of Appanoose.

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

DEPARTMENT OF GENERAL SERVICES

The Capitol Planning Commission Progress Report #7, pursuant to Chapter 18A.3, Code of Iowa.

STATE OF WYOMING

A joint resolution requesting Congress to propose an amendment to the Clean Water Act (P.L. 92-500) to eliminate the requirement of a National Pollutant Discharge Elimination System Permit for water releases from reservoirs.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1982-16 Central Elkader High School Boys' Basketball Team —
District 1A Championship

- 1982-17 Columbus High School — 1982 Iowa State Hockey Championship
- 1982-18 Fairfield High School Girls Basketball Team — 1982 State High School Girls Basketball Tournament-Third place
- 1982-19 Mount Vernon High School Wrestlers — Fourth state championship
- 1982-20 City of Sully — Centennial
- 1982-21 Drake University Women's Basketball Team — 1981-1982 Missouri Valley Conference Championship
- 1982-22 JoAnn Besch — 1982 National Pork Queen
- 1982-23 Paullina High School Boys' Basketball Team — 1982 Class 1A Iowa State Boys' Basketball Championship
- 1982-24 Assumption High School Boys' Basketball Team — 1982 Class 3A Iowa State Boys' Basketball Championship
- 1982-25 Sioux City North High School Boys' Basketball Team — 1982 Class 3A Iowa State Boys' Basketball Championship-Second place
- 1982-26 Professor Stanley D. Shawhan and colleagues, University of Iowa — Designing the Plasma Diagnostics Package
- 1982-27 East High School Boys Basketball Team — 1982 Class 3A Iowa State Boys' Basketball Championship-Third place
- 1982-28 Davis County Community High School Boys Basketball Team — Participation in the 1982 Iowa Boys' State Basketball Tournament

ELIZABETH A. ISAACSON
Chief Clerk of the House

AMENDMENTS FILED

H—5588	S.F. 2162	Cochran of Webster
H—5589	S.F. 2290	Stueland of Clinton
		Bennett of Ida
		Knapp of Dubuque
H—5590	S.F. 2192	Spear of Lee
H—5591	S.F. 2040	Spear of Lee

H-5592	S.F. 2245	Spear of Lee
H-5593	S.F. 2178	Byerly of Polk
H-5594	S.F. 2178	Dieleman of Marion
H-5595	S.F. 2178	Byerly of Polk
H-5596	H.F. 2451	Horn of Linn
H-5597	S.F. 387	Horn of Linn
H-5598	H.F. 2451	Groth of Buena Vista
H-5599	H.F. 2451	Norland of Worth

On motion by Pope of Polk, the House adjourned at 11:42 a.m., until 9:00 a.m., Tuesday, March 30, 1982.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day—Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 30, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Floyd Anderson, pastor of the Bethlehem Lutheran Church, Buffalo Center.

The Journal of Monday, March 29, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Swieskowski, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk on request of Cochran of Webster; Tofte of Winneshiek on request of Holt of Clay; Byerly of Polk on request of Woods of Polk.

HOUSE FILE 2451 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2451 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2157, a bill for an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit, with report of committee recommending passage was taken up for consideration.

Lind of Black Hawk offered amendment H—5420 filed by him as follows:

H—5420

- 1 Amend Senate File 2157, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "aggregate" the words "and shall be under escort by
- 5 the Iowa highway safety patrol while moved on the
- 6 highways of this state".

Schroeder of Pottawattamie rose on a point of order that amendment H—5420 was not germane.

The Speaker ruled the point well taken and amendment H—5420 not germane.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2157)

The ayes were, 74:

Anderson, J.	Anderson, R.	Avenson	Baxter
Bennett	Binneboese	Branstad	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gross	Groth	Hall
Halvorson, R. A.	Hansen, I.	Harbor	Hoffmann-Bright

Holt	Horn	Howell	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Loneragan	Mann	Maulsby
Menke	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poncy
Pope	Renaud	Renken	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 21:

Arnould	Brandt	Bruner	Carl
Carpenter	Clark, J. H.	Doderer	Gettings
Halvorson, R. N.	Hanson, D.	Hummel	Knapp
Krewson	Lloyd-Jones	McKean	Mullins
Pelton	Poffenberger	Ritsema	Rosenberg
Walter			

Absent or not voting, 5:

Byerly	Connors	Jochum	Rapp
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 454, a bill for an act relating to quarterly reports by county officers, with report of committee recommending passage was taken up for consideration.

Doderer of Johnson asked for unanimous consent to make the following change: line 4, change the word "an" to "a".

Objection was raised.

Danker of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 454)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
--------------	--------------	---------	---------

Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Byerly	Connors	Jochum	Rapp
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization, with report of committee recommending amendment and passage was taken up for consideration.

Hoffmann-Bright of Muscatine offered the following amendment H—5200 filed by the committee on state government and moved its adoption:

H—5200

- 1 Amend Senate File 387, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 4, by striking the word "twenty-

4 five" and inserting in lieu thereof the words "twenty-
5 five fifty".

6 2. Page 1, line 6, by striking the word "twenty-
7 five" and inserting in lieu thereof the words "twenty-
8 five fifty".

9 3. Page 1, by striking lines 10 through 12 and
10 inserting in lieu thereof the following: "purchase
11 price paid by the fair, and the cost of each chancee
12 in or ticket to that raffle may not exceed five dollars
13 may be awarded."

14 4. Page 1, line 17, by striking the word "twenty-
15 five" and inserting in lieu thereof the words "twenty-
16 five fifty".

17 5. Page 1, by striking lines 23 through 25 and
18 inserting in lieu thereof the following: "the cost
19 to a participant of a chancee in or ticket to the
20 raffle does not exceed five dollars may be awarded."

21 6. Amend the title, by striking lines 1 through
22 3 and inserting in lieu thereof the following: "An
23 Act relating to raffles conducted by fairs and raffles
24 and games other than bingo conducted by qualified
25 organizations."

The committee amendment H—5200 was adopted.

Woods of Polk offered amendment H—5579 filed by Woods, et al., as follows:

H—5579

1 Amend Senate File 387 as follows:

2 1. Page 1, by inserting after line 12 the
3 following:

4 "Sec. . . Section 99B.6, Code 1981, is amended
5 by adding the following new subsection.

6 NEW SUBSECTION. When, except as provided in this
7 subsection, all provisions of this section are complied
8 with, wagers and bets contributed to a pool to which
9 two or more individuals contribute are lawful provided
10 that the pool is with respect to a contest specified
11 in section 99B.11, subsection 2, or with respect to
12 any other event or outcome which does not depend upon
13 gambling or use of a gambling device unlawful in this
14 state, and provided that the aggregate stake in the
15 pool is returned in total to participants as winnings.
16 Notwithstanding subsection 1, paragraph h, of this
17 section, the aggregate stake which one participant
18 in the pool may win or which may be divided among
19 several participants as winnings may equal as much
20 as one hundred dollars or other consideration

21 equivalent to as much as one hundred dollars."

22 2. Page 1, by inserting after line 25, the
23 following:

24 "Sec. . Section 99B.12, subsection 2, Code
25 1981, is amended by adding the following new lettered
26 paragraph:

27 NEW LETTERED PARAGRAPH. Wages and bets contributed
28 to a pool to which two or more individuals contribute
29 provided that the pool is with respect to a contest
30 specified in section 99B.11, subsection 2, or with
31 respect to any other event or outcome which does not
32 depend upon gambling or use of a gambling device
33 unlawful in this state, and provided that the aggregate
34 stake in the pool is returned in total to participants
35 as winnings. Notwithstanding subsection 1, paragraph
36 h, of this section, the aggregate stake which one
37 participant in the pool may win or which may be divided
38 among several participants as winnings may equal as
39 much as one hundred dollars or other consideration
40 equivalent to as much as one hundred dollars."

41 3. Renumber as necessary.

Hoffmann-Bright of Muscatine rose on a point of order that amendment H-5579 was not germane.

The Speaker ruled the point well taken and amendment H-5579 not germane.

Horn of Linn offered amendment H-5597 filed by him as follows:

H-5597

1 Amend Senate File 387 as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Sec. . Section 99B.7, subsection 2, unnumbered
6 paragraph 2, Code 1981, is amended to read as follows:

7 The board of directors of a school district may
8 authorize that for public schools within that district,
9 and the policy-making body of a nonpublic school,
10 may authorize for the nonpublic school that games
11 of skill, games of chance, bingo and raffles may be
12 held at bona fide school functions, such as carnivals,
13 fall festivals, bazaars and similar events. Each
14 The board of directors of each school district or
15 the policy-making body of the nonpublic school shall
16 obtain a license pursuant to this section prior to

- 17 permitting such the games or activities on the
 18 premises. However, each school authorized to conduct
 19 games or raffles by the board of directors or the
 20 policy-making body is considered a separate qualified
 21 organization for the purposes of subsection 1,
 22 paragraph c, and each may conduct a raffle as provided
 23 in subsection 1, paragraph d."
 24 2. Renumber as necessary.

Hoffmann-Bright of Muscatine rose on a point of order that amendment H—5597 was not germane.

The Speaker ruled the point well taken and amendment H—5597 not germane.

Hoffmann-Bright of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 387)

The ayes were, 85:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Conlon	Connolly
Cook	Copenhaver	Corey	Crabb
Danker	Davitt	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Sturgeon	Sullivan
Swartz	Swearingen	Trucano	Tyrrell
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 11:

Branstad	Clements	Daggett	De Groot
Dieleman	Mann	Maulsby	Ritsema
Smalley	Stueland	Van Maanen	

Absent or not voting, 4:

Anderson, R.	Byerly	Connors	Tofte
--------------	--------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2209, a bill for an act relating to the time limitation for the administration of an estate including documentation of title, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2209)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz

Swearingen
Walter
Mr. Speaker

Trucano
Welden

Tyrrell
Welsh

Van Maanen
Woods

The nays were, none.

Absent or not voting, 3:

Byerly

Connors

Tofte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2449 WITHDRAWN

Poffenberger of Dallas asked and received unanimous consent to withdraw House File 2449 from further consideration by the House.

SENATE FILE 2132 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2132 be deferred and that the bill retain its place on the calendar.

Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5491 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5491

- 1 Amend Senate File 2232 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "custody." the words "However, a peace officer, jailer,
- 5 or employee of a penal or correctional facility may
- 6 purchase inmate made items at an art or craft sale
- 7 or show, but only when the items are offered for sale
- 8 to the public and the price paid for the item is the
- 9 same price offered to any other prospective purchaser."

The committee amendment H—5491 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2232)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Branstad	Byerly	Connors	Tofte
----------	--------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2245 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2245 be deferred and that the bill retain its place on the calendar.

Senate File 2282, a bill for an act to establish the Terrace Hill authority, with report of committee recommending passage was taken up for consideration.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2282)

The ayes were, 74:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Diemer	Egenes	Fey	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	McKean	Menke
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poncy
Pope	Rapp	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smith	Spear	Stueland
Swartz	Swearingen	Tyrrell	Van Maanen
Walter	Mr. Speaker		

The nays were, 21:

Binneboese	Connolly	Cook	Dieleman
Doderer	Gettings	Halvorson, R. N.	Hummel
Jochum	Knapp	Mann	Maulsby
O'Kane	Renaud	Smalley	Sturgeon
Sullivan	Trucano	Welden	Welsh
Woods			

Absent or not voting, 5:

Byerly	Connors	Jay	Poffenberger
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—5511 filed by Jay and Conlon and moved its adoption:

H—5511

- 1 Amend Senate File 2204 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1: Section 115.5, Code 1981, is amended
- 6 by striking the section and inserting in lieu thereof
- 7 the following:
- 8 115.5 TEMPORARY SUBSTITUTES APPOINTED. If the
- 9 regularly appointed shorthand reporter becomes
- 10 disabled, or if a vacancy occurs in a regularly
- 11 appointed shorthand reporter position, a judge may
- 12 appoint an uncertified shorthand reporter who the
- 13 judge deems a competent substitute for a period of
- 14 up to six months upon certification by the chief judge
- 15 of the judicial district that a regularly appointed
- 16 shorthand reporter is disabled, or in the event of
- 17 a vacancy, that a diligent but unsuccessful search
- 18 has been conducted to hire a certified shorthand
- 19 reporter.
- 20 Unless the person appointed under this section
- 21 becomes certified within the period of appointment,
- 22 the appointee shall not be eligible for any further
- 23 appointment under this section."
- 24 2. By renumbering to conform to this amendment.

Amendment H—5511 was adopted.

The following amendment H—5604 filed by Conlon of Muscatine from the floor was adopted by unanimous consent:

H—5604

- 1 Amend Senate File 2204, as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to shorthand reporters appointed on an
- 5 emergency or temporary basis."

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2204)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Byerly	Connors	Poffenberger	Smalley
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2040, a bill for an act requiring warning notices to be included in ureaformaldehyde foam insulation contracts and providing a penalty, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5585 filed by him and moved its adoption:

H—5585

- 1 Amend Senate File 2040, as follows:
- 2 1. Page 1, by striking lines 4 through 6, and
- 3 inserting in lieu thereof the following: "insulation
- 4 shall give written notice to the owner and the lessees
- 5 of any part of the building in which the insulation
- 6 is installed and the purchaser of the insulation,
- 7 stating the following:".

A non-record roll call was requested.

The ayes were 71, nays 18.

Amendment H—5585 was adopted.

Spear of Lee offered the following amendment H—5591 filed by him and moved its adoption:

H—5591

- 1 Amend Senate File 2040 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 20, by inserting after the word
- 4 "notice" the words "to the purchaser".

Amendment H—5591 was adopted.

The following amendment H—5605, filed by Spear of Lee from the floor, was adopted by unanimous consent:

H—5605

- 1 Amend Senate File 2040, as follows:
- 2 1. Title page, by striking lines 1 through 3
- 3 and inserting in lieu thereof the following: "An Act
- 4 requiring warnings by the sellers and installers of
- 5 urea-formaldehyde foam insulation."

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2040)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Corey	Crabb	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Daggett

Absent or not voting, 5;

Byerly
Tofte

Connors

Copenhaver

Pelton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2192, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5436 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5436

- 1 Amend Senate File 2192 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 32, by striking the word
- 4 "MAINTENANCE" and inserting in lieu thereof the word
- 5 "MAINTENANCE".

The committee amendment H—5436 was adopted.

Spear of Lee offered the following amendment H—5590 filed by him and moved its adoption:

H—5590

- 1 Amend Senate File 2192 as follows:
- 2 1. Page 1, by striking lines 6 and 7 and inserting
- 3 in lieu thereof the following:
- 4 "(1) Three members One member shall represent
- 5 agriculture and the one member shall represent manufac-
- 6 turing and construction industries, respectively."

Amendment H—5590 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2192)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay

Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Swartz	Swearingen
Trucano	Tyrrell	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Baxter	Van Maanen
--------	------------

Absent or not voting, 7:

Brandt	Byerly	Connors	Howell
Running	Sullivan	Tofte	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2210, a bill for an act relating to the enforcement of the Iowa state elevator code, and providing a civil penalty, with report of committee recommending passage was taken up for consideration.

Running of Linn offered the following amendment H—5497 filed by Connors and Running and moved its adoption:

H—5497

- 1 Amend Senate File 2210 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 21 through 24 and
- 4 inserting in lieu thereof the words "to enforce payment
- 5 of the civil penalty. Revenue from the penalty".

Amendment H—5497 lost.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2210)

The ayes were, 95:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Anderson, R.	Byerly	Connors	Howell
Tofte			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5501 filed by him and moved its adoption:

H—5501

- 1 Amend Senate File 2186, as follows:
 2 1. Page 1, by striking lines 6 through 12 and
 3 inserting in lieu thereof the following:
 4 "Appointments shall be made only from the list of
 5 eligible candidates provided by the director of
 6 revenue. The list of eligible candidates shall
 7 contain only the names of those persons who achieve
 8 a score of seventy percent or greater on the
 9 examination administered by the director of revenue
 10 Each appointment shall be made from either the list
 11 of eligible candidates provided by the director of
 12 revenue, which shall contain only the names of those
 13 persons who achieve a score of seventy percent or
 14 greater on the examination administered by the
 15 director of revenue, or the list of candidates
 16 eligible for appointment as city or county
 17 assessor. Examinations for".

Amendment H—5501 was adopted.

McKean of Jones moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2186)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema

Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Byerly	Connors	Tofte
--------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties, with report of committee recommending amendment and passage was taken up for consideration.

Cook of Hardin offered the following amendment H—5536 filed by the committee on agriculture and moved its adoption:

H—5536

- 1 Amend Senate File 2221 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 28, by inserting after the word
- 4 "practices." the following: "Primary noxious weeds
- 5 in this state are the seeds of:
- 6 (1) Quack grass—*Agropyron repens*
- 7 (2) Canada thistle—*Cirsium arvense*
- 8 (3) Perennial sow thistle—*Sonchus arvensis*
- 9 (4) Perennial pepper grass—*Lepidium draba*
- 10 (5) European morning glory (field bindweed)—
- 11 *Convolvulus arvensis*
- 12 (6) Horse nettle—*Solanum carolinense*
- 13 (7) Leafy spurge—*Euphorbia esula*
- 14 (8) Russian knapweed—*Centaurea repens*".
- 15 2. Page 1, line 31, by inserting after the word
- 16 "practices." the following: "The secondary noxious
- 17 weed seeds in this state are the seeds of:
- 18 (1) Wild carrot—*Daucus carota*
- 19 (2) Sour dock—*Rumex crispus*
- 20 (3) Smooth dock—*Rumex altissimus*

- 21 (4) Sheep sorrel—*Rumex acetosella*
22 (5) Butterprint—*Abutilon theophrasti*
23 (6) Mustards—*Brassica juncea*, *B. kaber* and *B.*
24 *nigra*
25 (7) Cocklebur—*Xanthium commune*
26 (8) Buckhorn—*Plantago lanceolata*
27 (9) Dodders—*Cuscuta species*".
28 3. Page 13, line 33, by inserting after the word
29 "selling" the words "or advertising".

The committee amendment H—5536 was adopted.

Tyrrell of Iowa offered the following amendment H—5538 filed by him and moved its adoption:

H—5538

- 1 Amend Senate File 2221, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 14, by striking lines 2 through 16 and
4 inserting in lieu thereof the words "The fee for each
5 a permit number shall be five is ten dollars per
6 annum, and all permit numbers shall permits expire
7 on the first day of July following date of issue."

A non-record roll call was requested.

The ayes were 26, nays 56.

Amendment H—5538 lost.

Schroeder of Pottawattamie asked unanimous consent to suspend the rules to consider three amendments filed by him from the floor.

Objection was raised.

SENATE FILE 2221 DEFERRED

Schroeder of Pottawattamie asked and received unanimous consent that Senate File 2221 be deferred and that the bill retain its place on the calendar.

Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

SENATE FILE 2202 DEFERRED

Pope of Polk asked and received unanimous consent to defer action on Senate File 2202.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 135

Lloyd-Jones of Johnson called up for consideration House Concurrent Resolution 135, relating to a freeze on nuclear arms and a halt to the nuclear arms race, filed on March 23, 1982 and found on pages 960 and 961 of the House Journal.

Van Maanen of Mahaska asked and received unanimous consent to be added as a sponsor of House Concurrent Resolution 135.

Lloyd-Jones of Johnson moved the adoption of House Concurrent Resolution 135.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 131

Lind of Black Hawk called up for consideration House Concurrent Resolution 131, relating to Congress considering the problem of maintaining student aid programs filed on March 12, 1982 and found on pages 813 and 814 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

MOTIONS TO RECONSIDER (Senate File 387)

I move to reconsider the vote by which Senate File 387 passed the House on March 30, 1982.

LIND of Black Hawk

(Senate File 2040)

I move to reconsider the vote by which Senate File 2040 passed the House on March 30, 1982.

SCHROEDER of Pottawattamie

(Senate File 2204)

I move to reconsider the vote by which Senate File 2204 passed the House on March 30, 1982.

SCHROEDER of Pottawattamie

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to restitution by public offenders.

Also: That the Senate has on March 30, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

K. MARIE THAYER, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 29, 1982, he approved and transmitted to the Secretary of State the following bills:

Senate File 397, an act relating to the recording of real property conveyance pursuant to probate or marriage dissolution decrees.

Senate File 490, an act to allow tort claim actions against the state to be tried before a jury.

Senate File 2134, an act permitting the movement of certain semitrailers or combinations of vehicles on the highways including combinations of vehicles coupled

together used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, recreational vehicle chassis and boats if the overall length of the combination of vehicles does not exceed sixty-five feet and semitrailers with a distance of not more than forty feet between the kingpin and the rearmost axle and defining special truck.

Senate File 2180, an act relating to setoffs against state income tax refunds, including claims based on defaults on guaranteed student loans and child support recovery claims, and authorizing reciprocal agreements with other states dealing with the subject matter.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the afternoon of March 25, 1982 and March 26, 1982. Had I been present, I would have voted "aye" on House Files 2425 and 2465, Senate Files 24, 26, 260, 312, 536, 2068, 2077, 2086, 2097, 2201 and 2231; and "nay" on Senate File 537.

HOWELL of Floyd

I was necessarily absent from the House chamber on Monday morning, March 29, 1982. Had I been present, I would have voted "aye" on House File 2427, Senate Files 367, 396, 535, 2046, 2100, 2163, 2182, 2197, 2216; and "nay" on Senate File 558.

LIND of Black Hawk

I was necessarily absent from the House chamber on Tuesday morning, March 30, 1982. Had I been present, I would have voted "aye" on Senate File 2282.

POFFENBERGER of Dallas

I was necessarily absent from the House chamber on March 30, 1982. Had I been present, I would have voted "aye" on Senate File 2040.

COPENHAVER of Buchanan

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-one twelfth grade students from Stuart-Menlo High School, Stuart, accompanied by Dave Frye. By Davitt of Warren and Poffenberger of Dallas.

One hundred twenty-five Girl Scouts and their leaders from throughout the state.

Members of the Shining Trail Girl Scout Council from southeast Iowa, accompanied by Diane S. Miller. By Baxter of Des Moines and Spear of Lee.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Senate File 2236, a bill for an act relating to expenditures for assessment appeals.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2238, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2261, a bill for an act relating to the cancellation of outstanding warrants.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5607.

Senate File 2277, a bill for an act relating to the regulation of traffic on secondary roads.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON HUMAN RESOURCES

Senate File 2274, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services.

Fiscal Note is not required.

Recommended **Do Pass**.

COMMITTEE ON NATURAL RESOURCES

Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5600**.

Senate File 2235, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass**.

Senate File 2260, a bill for an act relating to coal mining.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H—5600	S.F. 2234	Committee on Natural Resources
H—5601	S.F. 2132	Schroeder of Pottawattamie
H—5607	S.F. 2261	Committee on County Government
H—5608	S.F. 2178	Clark of Cerro Gordo
H—5609	S.F. 2221	Cochran of Webster
		Cook of Hardin
		Schroeder of Pottawattamie
		Pellett of Cass
H—5610	S.F. 2091	Clark of Lee
H—5611	S.F. 464	Harbor of Mills
H—5612	H.F. 2451	Horn of Linn

H—5613	H.F. 2468	Johnson of Linn
H—5614	S.F. 2178	Krewson of Polk
		Clements of Scott
		Running of Linn
		Trucano of Polk
H—5615	S.F. 2178	Krewson of Polk
		Anderson of Audubon
		Bruner of Story
		Avenson of Fayette
		Pope of Polk
		Pelton of Clinton
		Halvorson of Webster
		Carl of Poweshiek
H—5616	S.F. 403	Schroeder of Pottawattamie
H—5617	S.F. 2178	Tyrrell of Iowa
		Maulsby of Calhoun
		Johnson of Howard
		Renken of Grundy
		Johnson of Linn
		Gross of Ringgold
		Smalley of Polk
H—5618	S.F. 2178	Spear of Lee
H—5619	S.F. 2178	Spear of Lee
H—5620	S.F. 2178	Spear of Lee
H—5621	S.F. 2103	Johnson of Linn
H—5622	S.F. 2178	Carpenter of Polk
		Swearingen of Keokuk
H—5623	S.F. 2178	Spear of Lee
H—5624	S.F. 2178	Spear of Lee
H—5625	S.F. 2146	Groth of Buena Vista
		Norland of Worth
		Poncy of Wapello
H—5626	S.F. 2178	Tyrrell of Iowa
H—5627	S.F. 2178	Hanson of Delaware
H—5628	S.F. 2091	Schroeder of Pottawattamie
		Carpenter of Polk
H—5629	S.F. 2178	Bruner of Story
H—5630	S.F. 2202	Rapp of Black Hawk
		Doderer of Johnson
		Poffenberger of Dallas
H—5631	S.F. 2203	Spear of Lee

H-5632	S.F. 2178	Running of Linn
H-5633	S.F. 2178	Gettings of Wapello
		Poncy of Wapello
H-5634	S.F. 2178	Spear of Lee
H-5635	H.F. 2342	Schroeder of Pottawattamie
H-5636	S.F. 2178	Horn of Linn
		Running of Linn
		Hall of Linn
H-5637	H.F. 2473	Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 11:43 a.m., until 9:00 a.m., Wednesday, March 31, 1982.

JOURNAL OF THE HOUSE

Eightieth Calendar Day—Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 31, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Kenneth G. Hurto, pastor of the First Unitarian Church, Des Moines.

The Journal of Tuesday, March 30, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Reuben Widmer, Iowa City.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act relating to the reorganization, administration, supervision and funding of the courts.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2233, by committee on judiciary, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

Read first time and referred to committee on **judiciary and law enforcement**.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2088, a bill for an act to authorize a property tax

levy by school districts for a cash reserve, with report of committee recommending amendment and passage was taken up for consideration.

Daggett of Taylor offered the following amendment H-5449 filed by the committee on education and moved its adoption:

H-5449

- 1 Amend Senate File 2088 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 25.
- 4 2. Page 2, lines 31 and 32, by striking the words
- 5 and figures ", as defined in section 8.6, subsection
- 6 4, paragraph c,".
- 7 3. Page 3, by inserting after line 1 the following
- 8 section:
- 9 "Sec. . Notwithstanding sections 24.3 through
- 10 24.17, for the school year beginning July 1, 1982,
- 11 the board may approve the levy of the property tax
- 12 authorized in section 2 of this Act and certify a
- 13 budget to the county auditor not later than twenty
- 14 days after the effective date of this Act or not later
- 15 than May 1, 1982, whichever is earlier. Time
- 16 limitations on procedures necessary for budget
- 17 certification are adjusted according to the budget
- 18 certification deadline established in this section."
- 19 4. By numbering and renumbering sections and
- 20 correcting internal references as necessary.

The committee amendment H-5449 was adopted.

Maulsby of Calhoun offered the following amendment H-5521 filed by him and moved its adoption:

H-5521

- 1 Amend Senate File 2088, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "fund." the following: "The amount raised by the
- 5 cash reserve levy shall not exceed an amount which
- 6 when added to the amount of a district's cash reserve
- 7 at the close of the previous fiscal year equals seven
- 8 and one-half percent of the authorized budget of the
- 9 school district, as defined in section 442.5, for
- 10 the school year in which the levy is certified."
- 11 2. By numbering and renumbering sections as
- 12 necessary.

Amendment H—5521 lost.

Maulsby of Calhoun offered amendment H—5520 filed by him as follows:

H—5520

1 Amend Senate File 2088, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 3 the following
4 sections:

5 "Sec. 2A. Section 442.5, subsection 1, paragraph

6 a, Code 1981, is amended to read as follows:

7 a. "Miscellaneous income" means all receipts
8 deposited to the general fund of a school district
9 which are not obtained from state aid provided under
10 section 442.1 ~~or~~, from property tax authorized under
11 section 442.2 or 442.9, or from interest earned on
12 moneys of the school district. Miscellaneous income
13 includes property tax levied under the provisions
14 of section 613A.7, to fund the costs of tort liability
15 insurance for the school district.

16 Sec. 2B. Section 442.9, subsection 1, paragraph

17 c, Code 1981, is amended to read as follows:

18 e. The amount to be raised by the additional
19 school district property tax levy for a budget year
20 is equal to the district cost for the budget year,
21 less the product of the state or district foundation
22 base and the weighted enrollment and less the amount
23 of interest earned on moneys of the school district
24 during the year preceding the base year."

25 2. Page 3, by inserting after line 1 the following
26 section:

27 "Sec. . Sections 2A and 2B of this Act apply
28 to interest earned during the school year commencing
29 July 1, 1982 and succeeding school years."

30 3. By numbering and renumbering sections and
31 correcting internal references as necessary.

Daggett of Taylor rose on a point of order that amendment H—5520 was not germane.

The Speaker ruled the point well taken and amendment H—5520 not germane.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2088)

The ayes were, 89:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 8:

Branstad	Clements	Conlon	Gettings
Maulsby	Poney	Schneklloth	Smalley

Absent or not voting, 3:

Anderson, R.	Connors	Woods
--------------	---------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 2429, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense, with report of committee recommending passage was taken up for consideration.

Shull of Warren moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2429)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Branstad

Connors

Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2429)

Pope of Polk asked and received unanimous consent to immediately message House File 2429 to the Senate.

House File 2342, a bill for an act relating to the regulation of persons engaged in the marketing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date, with report of committee recommending amendment and passage was taken up for consideration.

Harbor or Mills offered the following amendment H—5561 filed by the committee on appropriations and moved its adoption:

H—5561

1 Amend House File 2342 as follows:

2 1. Page 5, by inserting after line 12 the
3 following:

4 "Sec. . . Section 163.42, Code 1981, is amended
5 to read as follows:

6 163.42 REGISTRATION OF BREEDING BULLS. The

7 department of agriculture shall issue to each licensee

8 lessor a tag or an identifying mark if the lessor

9 desires this method of identification, for each
10 breeding bull to be leased by the licensee lessor.

11 Each tag or identifying mark shall have an

12 identification number which shall be a permanent

13 identification number for such the breeding bull and,

14 upon disposition of such the animal, the licensee

15 lessor shall notify the department of agriculture

16 of such the disposition and the name and address of

17 the buyer if such the animal is sold. When an

18 additional breeding bull to be leased is acquired

19 by a licensee lessor, the department of agriculture

20 shall issue a tag or approve an identifying mark for

21 such the animal without fee. The tag or identifying

22 mark shall be permanently attached to the breeding

23 bull.

24 Sec. . . Section 163.43, unnumbered paragraph

25 1, and unnumbered paragraph 3, Code 1981, are amended

26 to read as follows:

27 No licensee lessor shall lease as lessor, and no

28 person shall lease as lessee, a breeding bull within

29 this state unless such the breeding bull is accompanied

30 by a health certificate signed by a licensed

31 veterinarian and showing:

32 One copy of the health certificate shall be filed

33 with the department of agriculture within fourteen

34 days after its issuance; and one copy shall be issued

35 to the lessee when the breeding bull is delivered

36 to him the lessee. A licensee lessor shall show the

37 health certificate of any breeding bull upon the

38 request of any person designated by the department

39 of agriculture to enforce the provisions of this
40 division. The licensee lessor shall also, within
41 ten days after the lease of each breeding bull, notify
42 the department in writing of the name and address
43 of the person to whom the breeding bull is being
44 leased, together with the date of delivery.
45 Sec. . Section 163.44, Code 1981, is amended
46 to read as follows:
47 163.44 RECORDS OF BREEDING BULL. The licensee
48 lessor shall maintain records of each lease of a
49 breeding bull. The records shall contain the name
50 and address of the person to whom a breeding bull

Page 2

- 1 is leased, the date of each lease, and a description
- 2 and the identification number of the breeding bull
- 3 involved. A lessee or any agent of the department
- 4 shall have the right to inspect, upon demand to the
- 5 licensee lessor, those records concerning the bull
- 6 presently being leased by the lessee."
- 7 2. Page 5, line 13, by inserting after the word
- 8 "Sections" the figures "163.41, 163.45,".
- 9 3. Amend the title page, line 2, by inserting
- 10 after the word "marketing" the words "or leasing".
- 11 4. By renumbering sections as necessary.

The committee amendment H—5561 was adopted.

Schroeder of Pottawattamie offered amendment H—5635 filed by him as follows:

H—5635

- 1 Amend House File 2342 as follows:
- 2 1. Page 2, by inserting after line 14 the
- 3 following:
- 4 "5. A person who is registered under and who
- 5 maintains a bond in the amount specified in the federal
- 6 Packers and Stockyards Act and rules adopted under
- 7 that Act."
- 8 2. Page 2, line 29, by inserting after the period
- 9 the words "However, a livestock market or livestock
- 10 dealer/broker that is registered under the federal
- 11 Packers and Stockyards Act shall not be required to
- 12 pay any fee to obtain a license under this chapter."
- 13 3. Page 3, by striking lines 11 through 14 and
- 14 inserting in lieu thereof the words "of livestock
- 15 by the applicant. A stockyard company".
- 16 4. Page 5, by inserting after line 10 the

17 following:

18 "Sec. . Chapter 163, Code 1981, is amended

19 by adding the following new section:

20 **NEW SECTION. REPORTING BY FEDERAL REGISTRANTS.**

21 A person who is exempt from sections 1 through 12

22 of this Act by virtue of section 3, subsection 5 of

23 this Act shall furnish to the department upon the

24 request of the secretary such information as the

25 department may require for purposes of preventing,

26 suppressing, controlling or eradicating infectious

27 or contagious diseases under this chapter."

28 5. By renumbering sections.

Schroeder of Pottawattamie offered amendment H-5639, to amendment H-5635, filed by him from the floor and requested division as follows:

H-5639

1 Amend the amendment H-5635 to House File 2342 as
2 follows:

H-5639B

3 1. By striking lines 4 through 27 and inserting
4 in lieu thereof the following:

H-5639A

5 "5. A person who is registered under and who
6 maintains a bond in the amount of fifteen thousand
7 dollars or more under the federal Packers and
8 Stockyards Act and rules adopted under that Act."

9 2. Page 2, line 29, by inserting after the period
10 the words "However, a livestock market or livestock
11 dealer/broker that is registered under the federal
12 Packers and Stockyards Act shall not be required to
13 pay any fee to obtain a license under this chapter."

14 3. Page 3, by striking lines 11 through 14 and
15 inserting in lieu thereof the words "of livestock
16 by the applicant. A stockyard company".

17 4. Page 5, by inserting after line 10 the
18 following:

19 "Sec. . Chapter 163, Code 1981, is amended
20 by adding the following new section:

21 **NEW SECTION. REPORTING BY FEDERAL REGISTRANTS.**

22 A person who is exempt from sections 1 through 12

23 of this Act by virtue of section 3, subsection 5 of

24 this Act shall furnish to the department upon the

25 request of the secretary such information as the

26 department may require for purposes of preventing,
27 suppressing, controlling or eradicating infectious
28 or contagious diseases under this chapter."

H—5639B

29 5. Page 5, by inserting after line 14 the
30 following:
31 "Sec. . Section 554.9307, Code 1981, is amended
32 by adding the following new subsection:
33 NEW SUBSECTION. A commission merchant who sells
34 livestock or agricultural products for another person
35 for a fee or commission is not liable to a holder
36 of a security interest created by the person for whom
37 the livestock or agricultural products are sold,
38 whether or not the security interest is perfected,
39 when the sale is made by the commission merchant in
40 the ordinary course of business and without actual
41 knowledge of the security interest."
42 6. By renumbering sections.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5639A, to amendment H—5635.

Schroeder of Pottawattamie called up for consideration amendment H—5639B, to amendment H—5635.

De Groot of Lyon rose on a point of order that amendment H—5639B was not germane.

The Speaker ruled the point well taken and amendment H—5639B, to amendment H—5635, not germane.

Schroeder of Pottawattamie moved that the rules be suspended to consider amendment H—5639B, to amendment H—5635.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw his motion to suspend the rules to consider amendment H—5639B.

Pope of Polk asked for unanimous consent to consider amendment H—5639B, to amendment H—5635.

Objection was raised.

Pope of Polk moved that the rules be suspended to consider amendment H—5639B, to amendment H—5635.

A non-record roll call was requested.

The ayes were 51, nays 44.

The motion prevailed and the House considered amendment H—5639B, to amendment H—5635.

Schroeder of Pottawattamie moved the adoption of amendment H—5639B, to amendment H—5635.

A non-record roll call was requested.

The ayes were 33, nays 60.

Amendment H—5639B, to amendment H—5635, lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5635.

A non-record roll call was requested.

The ayes were 53, nays 35.

Amendment H—5635 was adopted.

Amendment H—5643, filed by Daggett of Taylor from the floor, was ruled out of order due to failure to suspend the rules to consider.

De Groot of Lyon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2342)

The ayes were, 98:

Anderson, J.
Baxter
Branstad
Carpenter
Clements
Connors
Crabb

Anderson, R.
Bennett
Bruner
Chiodo
Cochran
Cook
Daggett

Arnould
Binneboese
Byerly
Clark, B. J.
Conlon
Copenhaver
Danker

Avenson
Brandt
Carl
Clark, J. H.
Connolly
Corey
Davitt

De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Woods	Mr. Speaker		

The nays were, 2:

Gettings

Welsh

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

House File 2473, a bill for an act declaring shattercane (sorghum bicolor) a secondary noxious weed, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5637 filed by him and requested division as follows:

H—5637

1 Amend House File 2473 as follows:

H—5637A

2 1. Page 1, line 6, by inserting after the word
3 "biennial" the words "dodders (cuscuta)".

H—5637B

4 2. Page 1, line 12, by striking the words "and
5 shattercane (sorghum bicolor)".

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5637B.

Schroeder of Pottawattamie moved the adoption of amendment H—5637A.

A non-record roll call was requested.

The ayes were 56, nays 15.

Amendment H—5637A was adopted.

De Groot of Lynn offered amendment H—5580 filed by him as follows:

H—5580

- 1 Amend House File 2473, as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "biennial" the following: "black night shade
- 4 (Solanum nigrum)".

Cochran of Webster rose on a point of order that amendment H—5580 was not germane.

The Speaker ruled the point not well taken and amendment H—5580 germane.

Cochran of Webster rose on a point of order and challenged the ruling of the chair.

On the question "Shall the ruling of the chair be sustained?", a non-record roll call was requested.

The ayes were 50, nays 43.

The motion prevailed and the ruling of the chair was sustained.

De Groot of Lyon moved the adoption of amendment H—5580.

A non-record roll call was requested.

The ayes were 45, nays 47.

Amendment H—5580 lost.

The following amendment H—5645, filed by Hummel of Benton from the floor, was adopted by unanimous consent:

H—5645

- 1 Amend House File 2473, as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 to designate additional secondary noxious weeds."

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2473)

The ayes were, 73:

Anderson, J.	Anderson, R.	Avenson	Baxter
Bennett	Binneboese.	Brandt	Branstad
Bruner	Byerly	Carl	Clark, J. H.
Clements	Cochran	Conlon	Cook
Copenhaver	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Fey	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Harbor	Hoffmann-Bright	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pellett	Petrick	Poffenberger	Pope
Rapp	Renaud	Rosenberg,	Running
Schnekloth	Schroeder	Shull	Spear
Stueland	Sullivan	Swearingen	Trucano
Tyrrell	Van Maanen	Welsh	Woods
Mr. Speaker			

The nays were, 27:

Arnould	Carpenter	Chiodo	Clark, B. J.
Connolly	Connors	Corey	Doderer
Gettings	Hanson, D.	Holt	Jochum
Krewson	Mann	O'Kane	Pavich
Pelton	Poncy	Renken	Ritsema
Smalley	Smith	Sturgeon	Swartz
Tofte	Walter	Welden	

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SPECIAL PRESENTATION

Lloyd-Jones of Johnson presented to the House Giancarla Codrignani, an Independent member of the Italian Parliament from Bologna, Italy. She is head of the House Foreign Relations Committee and is on a nationwide speaking tour with European disarmament leaders.

Lloyd-Jones of Johnson escorted Ms. Codrignani to the well, where she spoke briefly. The House rose and responded with a warm welcome.

Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, with report of committee recommending amendment and passage was taken up for consideration.

Swearingen of Keokuk offered the following amendment H-5583 filed by the committee on state government and moved its adoption:

H-5583

1 Amend Senate File 2178, 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 97A.1, subsections 9 and 10,
6 Code 1981, are amended to read as follows:

7 9. "Child" or "children" shall mean means only
8 the surviving issue of a deceased active or retired
9 member, or the child ~~or children~~ legally adopted by
10 a deceased member prior to his the member's retirement.

11 "Child" includes only an individual who is under the
12 age of eighteen years, an individual who is under
13 the age of twenty-two and is a full-time student,
14 or an individual who is disabled under the definitions
15 used in section 402 of the Social Security Act as
16 amended.

17 10. "Earnable compensation" or "compensation
18 earnable" shall ~~mean~~ means the regular compensation

19 which a member would earn during one year on the basis
20 of the stated compensation for the member's rank or
21 position including compensation for longevity and
22 the daily amount received for meals under section
23 80.8 and excluding any amount received for overtime
24 compensation or other special additional compensation,
25 meal and other payments for meal expenses, uniform
26 cleaning allowances, travel expenses, and uniform
27 allowances and excluding any amount received upon
28 termination or retirement in payment for accumulated
29 sick leave or vacation.

30 Sec. 2. Section 97A.6, subsection 1, paragraph
31 b, Code 1981, is amended to read as follows:

32 b. Any member in service who has been a member
33 of the retirement system fifteen or more years and
34 whose employment is terminated prior to the member's
35 retirement, other than by death or disability, shall
36 upon attaining retirement age, receive a service
37 retirement allowance of fifteen twenty-seconds of
38 the retirement allowance the member would receive
39 at retirement if the member's employment had not been
40 terminated, and an additional one twenty-second of
41 such retirement allowance for each additional year
42 of service not exceeding twenty-two years of service.
43 The amount of the retirement allowance shall be based
44 on calculated in the manner provided in this paragraph
45 using the average final compensation at the time of
46 termination of employment.

47 Sec. 3. Section 97A.6, subsection 8, paragraphs
48 b, d, e, and f, Code 1981, are amended to read as
49 follows:

50 b. If there be is no such nomination of

Page 2

1 beneficiary, the benefits provided in paragraph "a"
2 of this subsection 8 shall be paid to the member's
3 estate; or in lieu thereof, at the option of the
4 following beneficiaries, respectively, even though
5 nominated as such beneficiaries, for a member in
6 service there shall be paid at the time of death a
7 pension which shall be paid equal to one-fourth of
8 the average final compensation of such the member,
9 but in no instance less than fifty dollars per month
10 or for a member not in service at the time of death
11 the pension shall be reduced as provided in subsection
12 1, paragraph "e b", of this section and shall be paid
13 commencing when the member would have attained the
14 age of fifty-five except if there is a child of the
15 member under the age of eighteen, or under the age
16 of twenty-two who is a full-time student, or who is

17 disabled, under the definitions used in section 402
18 of the Social Security Act as amended to July 1, 1978
19 (42 U.S.C. 402), the pension shall be paid commencing
20 with the member's death until the children reach the
21 age of eighteen, or twenty-two if applicable, and
22 shall resume commencing when the member would have
23 attained the age of fifty-five;

24 d. If there be is no surviving spouse, or if the
25 spouse dies or remarries before any child of such
26 deceased member shall have attained the age of eighteen
27 years and there is a child of a member, then to the
28 guardian of the member's child or children under said
29 age, divided in such manner as the board of trustees
30 in its discretion shall determine determines, to
31 continue as a joint and survivor pension until every
32 such child of the member dies or attains the age of
33 eighteen or twenty-two if applicable; or

34 e. If there be is no surviving spouse or child
35 under age eighteen, then to the member's dependent
36 father or mother, as the board of trustees in its
37 discretion shall determine determines, to continue
38 until remarriage or death.

39 f. In addition to the benefits herein enumerated
40 in this subsection, there shall also be paid for each
41 child of a member under the age of eighteen years
42 a monthly pension equal to six percent of the monthly
43 earnable compensation payable to an active member
44 having the rank of senior patrolman of the Iowa highway
45 safety patrol.

46 For the purpose of this chapter, a senior patrolman
47 is a man or woman who has completed ten years of
48 service in the Iowa highway safety patrol.

49 Sec. 4. Section 97A.6, subsection 9, paragraphs
50 b and c, Code 1981, are amended to read as follows:

Page 3

1 b. If there be is no surviving spouse, children
2 under the age of eighteen years child, or dependent
3 parent surviving such a deceased member, the death
4 shall be treated as an ordinary death case and the
5 benefit payable in accordance with the provisions
6 of under subsection 8, paragraph "a" of this section,
7 in lieu of the pension provided in paragraph "a" of
8 this subsection 9, shall be paid to the member's
9 estate.

10 c. In addition to the benefits for the surviving
11 spouse herein enumerated in this subsection, there
12 shall also be paid for each dependent child of a
13 member under the age of eighteen years a monthly
14 pension equal to six percent of the monthly earnable

15 compensation payable to an active member having the
16 rank of senior patrolman of the Iowa highway safety
17 patrol.

18 Sec. 5. Section 97A.6, subsection 12, paragraph
19 b, Code 1981, is amended to read as follows:

20 b. In the event of the death of If the spouse
21 dies either prior or subsequent to the death of the
22 member, to the guardian of each surviving child under
23 eighteen years of age, a monthly pension equal to
24 the monthly pension payable under subsection 9,
25 paragraph "c," of this section for the support of
26 such the child.

27 Sec. 6. Section 97B.7, subsection 2, paragraph
28 b, subparagraphs (3), (4), and (5), Code 1981, are
29 amended by striking the subparagraphs, inserting in
30 lieu thereof the following subparagraph, and
31 renumbering the remaining subparagraphs:

32 (3) That the common stock or shares issued by
33 solvent corporations or institutions are eligible
34 for investment if the stock or shares are listed or
35 admitted to trading on a securities exchange located
36 in the United States or are publicly held and have
37 been traded in the "over-the-counter" market and
38 market quotations are readily available.

39 Sec. 7. Section 97B.8, Code 1981, is amended to
40 read as follows:

41 97B.8 ADVISORY INVESTMENT BOARD. A board shall
42 be is established to be known as the "Advisory
43 Investment Board of the Iowa Public Employees'
44 Retirement System", hereinafter called the "board",
45 whose duties shall be are to advise and confer with
46 the department in matters relating to the investment
47 of the trust funds of the Iowa public employees'
48 retirement system. The powers of the board shall
49 be purely are advisory and the department shall is
50 not be bound in the making of any an investment by

Page 4

1 the recommendations of the board.
2 PARAGRAPH DIVIDED. The board shall consist of
3 seven members. Five of the members shall be appointed
4 by the governor, one of whom shall be an executive
5 of a domestic life insurance company, one an executive
6 of a state or national bank operating within the state
7 of Iowa, one an executive of a major industrial
8 corporation located within the state of Iowa, and
9 two shall be active members of the system, one of
10 whom shall be an employee of a school district, county
11 school system, joint county system area education
12 agency, or merged area and one of whom shall not be

13 an employee of a school district, county school system,
14 joint county system area education agency, or merged
15 area. The president of the senate shall appoint one
16 member from the membership of the senate and the
17 speaker of the house of representatives shall appoint
18 one member from the membership of the house. The
19 two members appointed by the president of the senate
20 and the speaker of the house of representatives and
21 the two active members of the system appointed by
22 the governor ~~shall be~~ are ex officio members of the
23 board.

24 PARAGRAPH DIVIDED. The members who are executives
25 of a domestic life insurance company, a state or
26 national bank and a major industrial corporation shall
27 be paid their actual expenses incurred in performance
28 of their duties and shall receive in addition the
29 sum of forty dollars for each day of service not
30 exceeding forty days per year. Legislative members
31 shall receive the sum of forty dollars for each day
32 of service and their actual expenses incurred in the
33 performance of their duties. The per diem and expenses
34 of the legislative members shall be paid from funds
35 appropriated under section 2.12. The members who
36 are active members of the system shall be paid their
37 actual expenses incurred in the performance of their
38 duties as members of the board and performance of
39 their duties as members of the board shall not affect
40 their salaries, vacation or leaves of absence for
41 sickness or injury. The appointive terms of the
42 members appointed by the governor shall be ~~are~~ for
43 a period of six years beginning and ending as provided
44 in section 69.19. ~~In the event of~~ If there is a
45 vacancy, through resignation or ~~any other another~~
46 cause, in the membership of the board, the governor
47 shall have has the power of appointment. Appointees
48 to this board shall be are subject to confirmation
49 by the senate.

50 Sec. 8. Section 97B.41, subsection 1, paragraph

Page 5

1 a, unnumbered paragraph 1, Code 1981, is amended to
2 read as follows:

3 "Wages" means all remuneration for employment,
4 including the cash value of remuneration paid in any
5 a medium other than cash, but not including the cash
6 value of remuneration paid in any a medium other than
7 cash necessitated by the convenience of the employer,
8 such. The amount as agreed upon by the employer and
9 employee and for remuneration paid in a medium other
10 than cash shall be reported to the department by the

11 employer shall be and is conclusive of the value of
12 the remuneration in a medium other than cash; except
13 that. However, remuneration which does not equal
14 or exceed the sum of three hundred dollars in any
15 a calendar quarter shall be excluded. "Wages" does
16 not include special lump sum payments made as payment
17 for sick leave or accrued vacation or payments made
18 as an incentive for early retirement. Wages for an
19 elected official means the salary received by an
20 elected official, exclusive of expense and travel
21 allowances.

22 Sec. 9. Section 97B.41, subsection 1, paragraph
23 b, subparagraph (6), Code 1981, is amended to read
24 as follows:

25 (6) If a member is employed by more than one
26 employer during a calendar year, the total amount
27 of wages paid to him the member by his the several
28 employers shall be included in determining the
29 limitation on covered wages as provided by in this
30 paragraph "b", subparagraph (3), of this section.
31 If the amount of wages paid to a member by his the
32 member's several employers during a calendar year
33 exceeds the covered wage limit, the amount of such
34 excess shall not be subject to the contributions
35 required by section 97B.11.

36 Sec. 10. Section 97B.41, subsection 20, Code 1981,
37 is amended by striking the subsection and inserting
38 in lieu thereof the following:

39 20. "Five-year average covered wage" means a
40 member's covered wages averaged for the highest five
41 years of the member's service. If the member has
42 less than five years of service, then the average
43 shall be computed using the actual number of years
44 as a member. The highest five years of a member's
45 covered wages shall be determined using calendar
46 years. However, if a member's final quarter of a
47 year of employment does not occur at the end of a
48 calendar year, the department may combine the wages
49 from the highest/quarter or quarters not being used
50 in the computation with the wages for the member's

Page 6

1 final quarter or quarters to create a full year.
2 If the five-year average covered wage of a member
3 exceeds the highest maximum covered wages in effect
4 for a calendar year during the member's period of
5 service, the five-year average covered wage of the
6 member shall be reduced to the highest maximum covered
7 wages in effect during the member's period of service.

8 Sec. 11. Section 97B.48, subsection 3, Code 1981,

9 is amended to read as follows:

10 3. If at any time after the first day of the month
11 in which the member attains the age of fifty-five
12 years and until the member's sixty-fifth birthday,
13 a member who is retired under this chapter is in
14 regular full-time employment, the member's retirement
15 allowance shall be suspended for as long as the member
16 remains in employment. However, employment shall
17 not be regarded as full-time employment until the
18 member receives remuneration in an amount in excess
19 of two thousand one hundred dollars for any a calendar
20 year. Effective the first of the month in which a
21 member attains the age of sixty-five years, a retired
22 member shall be entitled to may receive a retirement
23 allowance after return to covered employment regardless
24 of the amount of remuneration received. As of the
25 first of the month in which the member attains the
26 age of seventy years, the member shall be entitled
27 to may receive a retirement allowance determined under
28 section 97B.49, regardless of the amount of
29 remuneration received. Upon any a retirement after
30 re-employment, a retired member shall be entitled
31 to may have ~~his or her~~ the retired member's retirement
32 allowance redetermined under this section or section
33 97B.49 or 97B.50, whichever is applicable, based upon
34 the employee's and employer's additional contributions,
35 and any addition of credit for the years of membership
36 service of the employee after re-employment.

37 Sec. 12. Section 97B.49, subsection 5, unnumbered
38 paragraph 1, Code 1981, is amended to read as follows:

39 For each active member retiring ~~on or after~~ between
40 January 1, 1976 and June 30, 1982, with four or more
41 complete years of service, a monthly benefit shall
42 be computed which is equal to one-twelfth of an amount
43 equal to forty-seven percent of the five-year average
44 covered wage multiplied by a fraction of years of
45 service. For each member retiring on or after July
46 1, 1982, with four or more complete years of service,
47 the percent used in computing the monthly benefit
48 is fifty. For the purposes of this subsection,
49 "fraction of years of service" means a number, not
50 to exceed one, equal to the sum of the years of

Page 7

1 membership service and the number of years of prior
2 service divided by thirty years.

3 Sec. 13. Section 97B.49, subsection 7, Code 1981,
4 is amended to read as follows:

5 7. Notwithstanding the other provisions of this
6 chapter, a member who is or has been employed as a

7 conservation peace officer under the provisions of
8 section 107.13 and who retires on or after between
9 July 1, 1978 and June 30, 1982 and at the time of
10 retirement is at least sixty years of age and has
11 completed at least twenty-five years of membership
12 service as a conservation peace officer, may elect
13 to receive, in lieu of the receipt of any benefits
14 under subsection 5 of this section, a monthly
15 retirement allowance equal to one-twelfth of forty-
16 seven percent of the member's five-year average covered
17 wage as a conservation peace officer multiplied by
18 a fraction of years of service, with benefits payable
19 during the member's lifetime. For each conservation
20 peace officer eligible for benefits under this
21 subsection who retires on or after July 1, 1982, the
22 percent used in computing the monthly retirement
23 allowance is fifty. There is appropriated from the
24 general fund of the state to the Iowa department of
25 job service from funds not otherwise appropriated
26 an amount sufficient to pay eight and forty-three
27 hundredths percent of the covered wages of each
28 conservation peace officer, in addition to the
29 contribution paid by the employer under section 97B.11,
30 to finance increased benefits to conservation peace
31 officers under this subsection.

32 Sec. 14: Section 97B.49, subsection 8, paragraph
33 a, Code 1981, is amended to read as follows:

34 a. Notwithstanding the other provisions of this
35 chapter, a member who is or has been employed as a
36 county sheriff, as defined in section 39.17, or as
37 a deputy sheriff appointed pursuant to chapter 341
38 section 341.1, Code 1981, or section 331.903, Code
39 1981 Supplement, and who retires on or after between
40 January 1, 1978 and June 30, 1982 and at the time
41 of retirement is at least sixty years of age and has
42 completed at least twenty-five years of membership
43 service as a county sheriff or deputy sheriff, may
44 elect to receive, in lieu of the benefits under
45 subsection 5 of this section, a monthly retirement
46 allowance equal to one-twelfth of forty-seven percent
47 of the member's five-year average covered wage as
48 a sheriff or deputy sheriff multiplied by a fraction
49 of years of service, with benefits payable during
50 the member's lifetime. For each sheriff and deputy

Page 8

1 sheriff eligible for benefits under this paragraph
2 who retires on or after July 1, 1982, the percent
3 used in computing the monthly retirement allowance
4 is fifty.

5 Sec. 15. Section 97B.49, subsection 10, unnumbered
6 paragraph 1, Code 1981, is amended to read as follows:

7 Notwithstanding sections of this chapter relating
8 to eligibility for and determination of retirement
9 benefits, a vested member who is or has been employed
10 as a correctional officer by the department of social
11 services and who retires on or after July 1, 1983
12 and at the time of retirement is at least sixty years
13 of age and has completed at least thirty years of
14 membership service as a correctional officer, may
15 elect to receive, in lieu of the receipt of benefits
16 under subsection 5 of this section, a monthly
17 retirement allowance equal to one-twelfth of forty-
18 seven fifty percent of the member's five-year average
19 covered wages as a correctional officer multiplied
20 by a fraction of years of service, with benefits
21 payable during the member's lifetime.

22 Sec. 16. Section 97B.49, Code 1981, is amended
23 by adding the following new subsection:

24 NEW SUBSECTION. Effective beginning July 1, 1982,
25 for each member who retired from the system prior
26 to January 1, 1976, and for each member who retired
27 from the system on or after January 1, 1976 under
28 subsection 1 of this section, the amount of regular
29 monthly retirement allowance attributable to membership
30 service and prior service that was payable to the
31 member for June 1982 is increased as follows:

32 a. For the first ten years of service, fifty cents
33 per month for each complete year of service.

34 b. For the eleventh through the twentieth years
35 of service, one dollar per month for each complete
36 year of service.

37 c. For the twenty-first through the thirtieth
38 years of service, one dollar and fifty cents per month
39 for each complete year of service.

40 d. The amount of monthly increase payable to a
41 member under this subsection is also payable to a
42 beneficiary and a contingent annuitant and shall be
43 reduced by an amount based upon the actuarial
44 equivalent of the option selected in section 97B.51
45 or section 97B.52 compared to the full monthly benefit
46 provided in this section.

47 Sec. 17. Section 97B.53, Code 1981, is amended
48 by adding the following new subsection:

49 NEW SUBSECTION. The department shall refund
50 employee and employer contributions on the covered

3 member.

4 Sec. 18. Section 97B.72, unnumbered paragraph
5 1, Code 1981, is amended to read as follows:

6 Persons who are members of the Sixty-eighth or
7 Seventieth General Assembly or succeeding general
8 assemblies who submit proof to the department of
9 membership in the general assembly during any period
10 beginning July 4, 1953 and ending January 8, 1979
11 may make contributions to the system for service equal
12 to the accumulated contributions as defined in section
13 97B.41, subsection 13, which would have been made
14 if the member of the general assembly had been a
15 member of the system during the member's service in
16 the general assembly. The proof of membership in
17 the general assembly and payment of accumulated
18 contributions for members of the Sixty-eighth and
19 Seventieth General Assemblies shall be transmitted
20 to the department not later than between January 10,
21 1983 and December 31, 1979 1983. Persons Members
22 of the Sixty-eighth and Seventieth General Assemblies
23 eligible to receive retirement allowances under this
24 section shall be are eligible to commence receiving
25 retirement allowances on January 8, 1979 10, 1983
26 or upon payment of accumulated contributions, whichever
27 is later.

28 Members of the Seventy-first General Assembly and
29 succeeding general assemblies shall transmit proof
30 of membership and payment of accumulated contributions
31 to the department during the first year of a general
32 assembly and be eligible to commence receiving
33 retirement allowances on January 1 of that year or
34 upon payment, whichever is later.

35 Sec. 19. Section 97B.75, Code 1981, is amended
36 to read as follows:

37 97B.75 PRIOR SERVICE CREDIT BEFORE JANUARY 1,
38 1946. An active, vested, or retired member who was
39 employed prior to January 1, 1946 by the state or
40 a political subdivision, except for a member employed
41 by a school district which had established a pension
42 and annuity retirement system under sections 294.8,
43 294.9, and 294.10, and was not employed by the state
44 or a political subdivision between January 1, 1946
45 and July 4, 1953, an employer may file written
46 verification of the member's dates of employment with
47 the department of job service and receive credit for
48 years of prior service for the period of employment.
49 However, a member who is eligible for or receiving
50 a retirement allowance based upon employment with

Page 10

1 an employer prior to January 1, 1946 is not eligible
2 for credit for that period of employment.

3 Sec. 20. Section 411.1, subsection 11, Code 1981,
4 is amended to read as follows:

5 11. "Child" or "children" shall mean means only
6 surviving issue of a deceased active or retired member,
7 or the child or children legally adopted by a deceased
8 member prior to his the member's retirement. "Child"
9 includes only an individual who is under the age of
10 eighteen years, an individual who is under the age
11 of twenty-two years and is a full-time student, or
12 an individual who is disabled at the time under the
13 definitions used in section 402 of the Social Security
14 Act as amended.

15 Sec. 21. Section 411.5, subsection 1, paragraphs
16 a and b, Code 1981, are amended to read as follows:

17 a. The chief officer of the fire department, the
18 city treasurer, the city solicitor or attorney, two
19 firemen fire fighters elected by secret ballot by
20 the members of said the department who are entitled
21 to participate in a firemen's pension fund fire
22 retirement system established by law, and two three
23 citizens who do not hold any other another public
24 office, who shall be appointed by the mayor with the
25 approval of the city council, shall constitute serve
26 as the members of the board of trustees of the fire
27 retirement system.

28 b. The chief officer of the police department,
29 the city treasurer, the city solicitor or attorney,
30 two policemen police officers elected by secret ballot
31 by the members of said the department who are entitled
32 to participate in a policemen's pension fund police
33 retirement system established by law, and two three
34 citizens who do not hold any other another public
35 office, who shall be appointed by the mayor with the
36 approval of the city council, shall constitute serve
37 as the members of the board of trustees of the police
38 retirement system.

39 Sec. 22. Section 411.5, subsection 8, Code 1981,
40 is amended to read as follows:

41 8. LEGAL ADVISER. The city attorney or solicitor
42 of the said cities shall be serve as the legal adviser
43 of the boards of trustees at the request of the boards.

44 Sec. 23. Section 411.6, subsection 1, paragraph
45 a, Code 1981, is amended to read as follows:

46 a. Any member in service may retire upon his
47 written application to the board of police or fire
48 trustees as the case may be, setting forth at what
49 time, not less than thirty nor more than ninety days
50 subsequent to the execution and filing therefor, he

Page 11

1 of the application, the member desires to be retired,
2 provided, that. However, the said member at the time
3 so specified for his retirement shall have attained
4 the age of fifty-five and shall have served twenty-
5 two years or more in said department, and
6 notwithstanding that, during such the period of
7 notification, he the member may have separated from
8 the service.

9 Sec. 24. Section 411.6, subsection 1, paragraph
10 b, Code 1981, is amended to read as follows:

11 b. Any member in service who has been a member
12 of the retirement system fifteen or more years and
13 whose employment is terminated prior to the member's
14 retirement, other than by death or disability, shall
15 upon attaining retirement age, receive a service
16 retirement allowance of fifteen twenty-seconds of
17 the retirement allowance the member would receive
18 at retirement if his or her the member's employment
19 had not been terminated, and an additional one twenty-
20 second of such retirement allowance for each additional
21 year of service not exceeding twenty-two years of
22 service. The amount of the retirement allowance shall
23 be based on calculated in the manner provided in this
24 paragraph using the average final compensation at
25 the time of termination of employment.

26 Sec. 25. Section 411.6, subsection 8, paragraphs
27 b, d, and e, Code 1981, are amended to read as follows:

28 b. If there be is no such nomination of
29 beneficiary, the benefits provided in paragraph "a"
30 shall be paid to the member's estate; or in lieu
31 thereof, at the option of the following beneficiaries,
32 respectively, even though nominated as such
33 beneficiaries, for a member in service, there shall
34 be paid at the time of death a pension which shall
35 be paid equal to one-fourth of the average final
36 compensation of such the member, but in no instance
37 less than seventy-five dollars. In addition to the
38 benefits herein enumerated, there There shall also
39 be paid for each child of a member under the age of
40 eighteen years a monthly pension equal to six percent
41 of the monthly earnable compensation paid to an active
42 member holding the highest grade in the rank of fire
43 fighter, for a child of a deceased member of a fire
44 department, or the highest grade in the rank of police
45 patrol officer, for a child of a deceased member of
46 a police department, or for a member not in service
47 the pension shall be reduced as provided in subsection
48 1, paragraph "e b," of this section and shall be paid
49 commencing when the member would have attained the
50 age of fifty-five except that if there is a child

Page 12

1 of the member under the age of eighteen, or under
2 the age of twenty-two who is a full-time student,
3 or who is disabled, under the definitions used in
4 section 402 of the Social Security Act as amended
5 to July 1, 1978 42 U.S.C. 402, the pension shall be
6 paid commencing with the member's death until the
7 children reach the age of eighteen, or twenty-two
8 if applicable. The pension shall resume commencing
9 when the member would have attained the age of fifty-
10 five;

11 d. If there be is no spouse, or if the spouse
12 dies or remarries before any child of such deceased
13 member shall have attained the age of eighteen years
14 and there is a child of a member, then to the guardian
15 of his or her the member's child or children under
16 said age, divided in such manner as the board of
17 trustees in its discretion shall determine determines,
18 to continue as a joint and survivor pension until
19 every such child of the member dies or attains the
20 age of eighteen or twenty-two if applicable; or

21 e. If there be is no surviving spouse or child
22 under age eighteen, then to his or her the member's
23 dependent father or mother or both, as the board of
24 trustees in its discretion shall determine determines,
25 to continue until remarriage or death.

26 Sec. 26. Section 411.6, subsection 9, paragraphs
27 a and b, Code 1981, are amended to read as follows:

28 a. A pension equal to one-half of the average
29 final compensation of such the member shall be paid
30 to the member's spouse, children or dependent parents
31 as provided in paragraphs "c", "d" and "e" of
32 subsection 8 of this section. In addition to the
33 benefits for the spouse herein enumerated, there There
34 shall also be paid for each dependent child of a
35 member under the age of eighteen years a monthly
36 pension equal to six percent of the monthly earnable
37 compensation paid to an active member holding the
38 highest grade in the rank of fire fighter, for a child
39 of a deceased member of a fire department, or holding
40 the highest grade in the rank of police patrol officer,
41 for a child of a deceased member of a police
42 department.

43 b. If there be is no spouse, children under the
44 age of eighteen years child, or dependent parent
45 surviving such a deceased member, the death shall
46 be treated as an ordinary death case and the benefit
47 payable in accordance with the provisions of under
48 subsection 8, paragraph "a", in lieu of the pension
49 provided in paragraph "a" of this subsection 9, shall
50 be paid to the member's estate.

Page 13

1 Sec. 27. Section 411.6, subsection 11, paragraph
2 b, Code 1981, is amended to read as follows:

3 b. In the event of the death of If the spouse
4 dies either prior or subsequent to the death of the
5 member, to the guardian of each surviving child under
6 eighteen years of age, a monthly pension equal to
7 the monthly pension payable under subsection 9 of
8 this section for the support of such the child.

9 Sec. 28. Section 411.7, subsection 2, Code 1981,
10 is amended by striking the subsection and inserting
11 in lieu thereof the following:

12 2. The city treasurer may invest at the direction
13 of the respective boards of trustees a portion of
14 the funds established in section 411.8 which in the
15 judgment of the respective boards are not needed for
16 current payment of benefits under this chapter in
17 investments authorized in section 97B.7, subsection
18 2, paragraph b, for moneys in the Iowa public em-
19 ployees' retirement fund.

20 Sec. 29. Section 411.11, Code 1981, is amended
21 to read as follows:

22 411.11 CONTRIBUTIONS BY THE CITY. On or before
23 January 1 of each year the respective boards of
24 trustees shall certify to the superintendent of public
25 safety the amounts which will become due and payable
26 during the year next following to the pension
27 accumulation fund and the expense fund. The amounts
28 so certified shall be included by the superintendent
29 of public safety in his the annual budget estimate.
30 The amounts so certified shall be appropriated by
31 the said respective cities and transferred to the
32 retirement system for the ensuing year. Said The
33 cities shall annually levy a tax sufficient in amount
34 to cover such the appropriations.

35 However, the amounts due and payable for a
36 retirement system during its first year, or portion
37 of a year, of operation shall be determined using
38 the rates of contribution adopted by the board of
39 trustees.

40 Sec. 30. Section 411.19, Code 1981, is amended
41 to read as follows:

42 411.19 TRANSFER OF BENEFITS TO ANOTHER CITY.

43 A member of a retirement system established in this
44 chapter who terminates employment with a city and
45 is subsequently employed by another city and is
46 eligible for coverage under this chapter, or who
47 transfers in the same city from one retirement system
48 under this chapter to another retirement system under
49 this chapter, may transfer membership service earned
50 under the first system to the system under which the

Page 14

1 member is employed. Upon the written request of the
2 member with verification by the board of trustees
3 of the system under which the member is employed,
4 the board of trustees of the first system shall
5 transmit to the board of trustees of the system under
6 which the member is employed, within thirty days of
7 the receipt of the request, the member's accumulated
8 contributions to be deposited in the annuity savings
9 fund of the system under which the member is employed
10 and the actuarial equivalent of the amount in the
11 pension accumulation fund which would be necessary
12 to fund a pension equal to one twenty-second times
13 the number of years of membership service completed,
14 under the first system, to be deposited in the pension
15 accumulation fund of the system under which the member
16 is employed.

17 Sec. 31. Section 411.20, Code 1981, is amended
18 to read as follows:

19 411.20 APPROPRIATION TO MUNICIPAL ASSISTANCE FUND.

20 1. There is appropriated from the general fund
21 of the state to the municipal assistance fund
22 established in chapter 405 for each fiscal year an
23 amount necessary to be distributed to cities which
24 have established fire and police retirement systems
25 under the provisions of this chapter. Funds shall
26 be used to finance the costs of benefits provided
27 in this chapter by amendments of the Acts of the
28 Sixty-sixth General Assembly, chapter 1089.

29 2. Commencing with the fiscal year beginning July
30 1, 1979 for retirement systems in existence on June
31 30, 1978, the amounts distributed to each eligible
32 city to pay the state's portion of the costs of benefit
33 improvements provided by the Sixty-sixth General
34 Assembly, chapter 1089 shall be computed by the actuary
35 employed by the respective board of trustees on the
36 basis of the results of actuarial studies valuations
37 performed by such the actuary for the fiscal years
38 beginning July 1, 1978 and July 1, 1979 as provided
39 in this section.

40 Prior to December 31, 1979 the actuary employed
41 by the respective board of trustees shall perform
42 the actuarial valuations of the system which are
43 needed to determine the state's portion of the cost
44 of the benefit improvements provided by the Acts of
45 the Sixty-sixth General Assembly, chapter 1089, for
46 the fiscal year commencing July 1, 1979, under this
47 section as this section was effective on June 30,
48 1978. In addition, the actuary shall perform the
49 actuarial valuations of the system which would have
50 been needed to determine the state's portion of the

Page 15

1 cost of the benefit improvements under this section
2 as this section was effective on June 30, 1978, for
3 the fiscal year commencing July 1, 1978.

4 On the basis of the results of the actuarial
5 valuations described above, each actuary employed
6 by a board of trustees shall determine a ratio of
7 the payroll which is determined by dividing the total
8 of the state's portion of the cost of said benefit
9 improvements as determined by the actuarial valuations
10 described for the two fiscal years by the total payroll
11 of the members of the system for the two fiscal years.
12 The actuary shall certify the ratio so determined
13 to the state comptroller.

14 For the fiscal year commencing July 1, 1979 and
15 each fiscal year thereafter, the state comptroller
16 shall pay to each city an amount equal to the ratio
17 of payroll computed for a city retirement system times
18 the payroll of the active members employed under that
19 system by that city for the fiscal year.

20 3. For retirement systems established on or after
21 July 1, 1978, the amounts distributed to cities shall
22 be computed in the manner provided in subsections
23 1 and 2 by the actuary employed by the respective
24 board of trustees on the basis of results of actuarial
25 valuations performed by the actuary for the first
26 fiscal year, or portion of a fiscal year, and the
27 second fiscal year for which this chapter applies.
28 The results of the actuarial valuations for the first
29 fiscal year, or portion of a fiscal year, for which
30 this chapter applies, shall determine the state's
31 portion of the costs for that fiscal year, or portion
32 of a fiscal year. The results of the actuarial
33 valuations for the first two fiscal years, or for
34 a portion of the first fiscal year and all of the
35 second fiscal year shall determine the state's portion
36 of the costs for the second and later fiscal years.
37 Payment shall be made based upon the ratio of payroll
38 determined in the manner provided in subsection 2."

HOUSE RULE 25 SUSPENDED

Swearingen of Keokuk asked and received unanimous consent to suspend House Rule 25 to permit Mr. Ed Longnecker, Administrator of IPERS, on the floor of the chamber during debate on Senate File 2178.

The House stood at ease at 11:25 a.m., until the fall of the gavel.

The House resumed session at 12:03 p.m., Speaker pro tempore Menke of O'Brien in the chair.

HOUSE CONCURRENT RESOLUTION 139

By Clements

1 *Whereas*, the family is a fundamental building block of
2 our society, esteemed by Iowans and Americans everywhere,
3 and the strength of the family directly affects the well-
4 being of our nation; and

5 *Whereas*, the environment of the family has a strong
6 influence on an individual's growth and development, and
7 a supportive, well-ordered family will instill in its
8 members attitudes of responsibility and cooperation and a
9 positive sense of each person's own potential; and

10 *Whereas*, family members can strengthen relationships by
11 participating in meaningful family discussions, home
12 improvement projects, church attendance and family devo-
13 tions and recreational sports; and

14 *Whereas*, it is appropriate that the Thanksgiving holiday
15 when families gather in a spirit of celebration and thanks-
16 giving, be included in a week dedicated to the importance
17 of family loyalties and ties; *Now Therefore*,

18 *Be It Resolved by the House of Representatives, the Senate*
19 *Concurring*, That the General Assembly declares November 21
20 through November 27, 1982 to be "Family Week" in Iowa, and
21 encourages all Iowans to plan family activities to develop
22 closer ties, and urges youth organizations, civic groups,
23 and churches to focus attention on family solidarity.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 140

By Rosenberg, Bruner, Lloyd-Jones, Arnould, Baxter, Chiodo, O'Kane, Halvorson of Webster, Doderer, Lonergan, Connors, Pavich, Welsh, Connolly, Fey, Poney, Byerly, Woods, Horn, Running, Avenson, Rapp, Anderson of Jasper, Sturgeon, Norland, Davitt, Howell, Clark of Cerro Gordo, Swartz, Krewson, Cochran, Dieleman, Groth and Sullivan

1 *Whereas*, changes relating to Guaranteed Student
2 Loans have been made at the federal level which may
3 make the loans far more expensive, much less available,
4 and not available to graduate students; and

5 *Whereas*, the eligibility requirements for Pell grants
6 have been changed and 14,000 grants may be eliminated
7 for a total of thirteen million dollars of financial
8 assistance for college students; and

9 *Whereas*, 3,220 jobs may be eliminated for work study
10 employment at the same time that the federal administra-
11 tion is calling for mandatory workfare for AFDC recipients;

12 and

13 *Whereas*, the 1,780 national defense student loans may
14 be eliminated; and

15 *Whereas*, the Supplementary Educational Opportunity
16 Grants may be eliminated, which may prohibit 8,530 needy
17 students from attending institutions of higher learning;
18 and

19 *Whereas*, twenty-five percent of students who are
20 participating in the Adult Basic Education program, may
21 be prohibited from continued participation in the
22 program; and

23 *Whereas*, forty to fifty percent of graduate and
24 professional students may be cut off from the major
25 sources of student financial assistance; and

26 *Whereas*, approximately 6,800 students may not be able
27 to attend the independent colleges and universities
28 and several hundred trained staff associated with a
29 number of existing financial assistance programs may
30 be unemployed; and

Page 2

1 *Whereas*, more than one out of every three Iowans
2 will be affected by these proposed changes, either
3 directly or indirectly; and

4 *Whereas*, Iowa has always been a forerunner in pro-
5 viding education to its students and the performance
6 of its students has always ranked extremely high
7 compared nationally; *Now Therefore*,

8 *Be It Resolved by the House of Representatives, the*
9 *Senate Concurring*, That the legislative council is
10 requested to appoint a joint subcommittee consisting of
11 members of the senate and house committees on educa-
12 tion to study the impact of decreases in student loans
13 and grants at all levels of private and public post-
14 secondary education institutions; and

15 *Be It Further Resolved*, That the joint subcommittee
16 report its findings and recommendations relating to
17 what the state of Iowa can and should do to lessen
18 the impact of reduced financial assistance,
19 including legislative bill drafts, if any, to implement
20 the recommendations to the legislative council and the
21 general assembly meeting in 1983.

Laid over under Rule 30.

(Senate File 2178 and committee amendment H—5583 pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:05 p.m., until 4:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 828, a bill for an act to redefine the duties of the state historical department and to provide for the appointment of an executive director and a state historical board.

Also: That the Senate has on March 30, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2264, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

Also: That the Senate has on March 30, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive.

K. MARIE THAYER, Secretary

On motion by Pope of Polk, the House was recessed at 4:53 p.m., until the fall of the gavel.

(Senate File 2178 and committee amendment H-5583 pending at adjournment.)

The Speaker announced that in accordance with House Rule 2, the hour of 6:00 p.m. having arrived, the House was adjourned.

MOTIONS TO RECONSIDER
(House File 2342)

I move to reconsider the vote by which House File 2342 passed the House on March 31, 1982.

DE GROOT of Lyon

(Amendment H—5635 to House File 2342)

I move to reconsider the vote by which amendment H—5635 to House File 2342 was adopted by the House on March 31, 1982.

SCHROEDER of Pottawattamie

(Amendment H—5639B to Amendment H—5635 to House File 2342)

I move to reconsider the vote by which amendment H—5639B to amendment H—5635 to House File 2342 failed to be adopted by the House on March 31, 1982.

SCHROEDER of Pottawattamie

PROOF OF PUBLICATION
(Senate File 2294)

Published copy of Senate File 2294 and verified proof of publication of said bill in The Daily Gate City, a newspaper published daily in Keokuk, Lee County, Iowa, on March 17, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

PRESENTATION OF VISITORS

Avenson of Fayette presented to the House Foreign Exchange Student, Francisco Valenzuela, from Chile. He is staying with the Gordon Eide family of Oelwein.

The Speaker announced that the following visitors were present in the House chamber:

Eighty-five seventh grade students from Waukee Junior High, Waukee, Iowa, accompanied by Al Molby. By Poffenberger of Dallas.

Eighteen sixth, seventh and eighth grade students from Edison Intermediate School, Waterloo, Iowa, accompanied by Noreen Miller and George Thornton. By Brandt, Lind and Rapp of Black Hawk.

Thirty-six students from Holmes Junior High, Cedar Falls, Iowa, accompanied by Dave Andresen and Phyllis Carter. By Diemer of Black Hawk.

Forty twelfth grade students from St. Marys High School, Remsen, Iowa, accompanied by Sister Delores Smith. By Ritsema of Sioux and Menke of O'Brien.

Thirty eighth grade students from Glidden-Ralston Elementary School, Glidden, Iowa, accompanied by Denny Ploeger and Larry Littlefield. By Mann of Greene.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 754 Ways and Means

Providing for the valuation of agricultural buildings other than agricultural dwellings.

S.B. 755 Ways and Means

Relating to the establishment of a corn storage facility loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, increasing the bonding limit of the authority, making coordinating amendments and making it effective upon publication.

S.B. 756 Ways and Means

To disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5657.

Senate File 2156, a bill for an act relating to the issuance of certificates of title by the clerk of the district court.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2258, a bill for an act relating to procedures in small claims actions.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5647.

Senate File 2265, a bill for an act providing for the compensation of innocent victims of criminal acts, providing an appropriation, and providing penalties for fraudulent claims.

Fiscal Note is not required.

Committee Action: Failed to Pass.

Senate File 2267, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2268, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2270, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2278, a bill for an act relating to obscenity offenses and providing penalties.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2294, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Senate File 539, a bill for an act relating to workers' compensation and providing a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3675, filed April 16, 1981 and found on page 2398 of the 1981 House Journal.

Senate File 2273, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON TRANSPORTATION

Senate File 403, a bill for an act relating to ways condemned by landowners having no access to their property.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2262, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5644.

AMENDMENTS FILED

H-5638	S.F. 2178	Lloyd-Jones of Johnson
H-5640	S.F. 2178	Brandt of Black Hawk
H-5641	S.F. 2178	Brandt of Black Hawk
		Groth of Buena Vista
		Fey of Scott
H-5642	S.F. 2178	Welsh of Dubuque
		Cochran of Webster
		Horn of Linn
		Jay of Appanoose
		Howell of Floyd
H-5644	S.F. 2262	Committee on
		Transportation
H-5646	S.F. 2178	Byerly of Polk
H-5647	S.F. 2258	Committee on Judiciary
		and Law Enforcement
H-5648	S.F. 2202	Brandt of Black Hawk
H-5649	S.F. 2146	Lind of Black Hawk
H-5650	S.F. 2146	Lind of Black Hawk

H-5651	S.F. 2103	Johnson of Linn
H-5652	H.F. 2428	Krewson of Polk
H-5653	S.F. 2234	Mann of Greene
H-5654	S.F. 2245	Gross of Ringgold
		Daggett of Taylor
		De Groot of Lyon
H-5655	S.F. 2178	Swearingen of Keokuk
		Brandt of Black Hawk
H-5656	H.F. 828	Senate Amendment
H-5657	S.F. 276	Committee on Judiciary and Law Enforcement
H-5658	S.F. 2195	Schnekloth of Scott
H-5659	S.F. 2091	Lind of Black Hawk
H-5660	S.F. 2091	Sullivan of Van Buren
		Jay of Appanoose
		Clark of Lee
		Gettings of Wapello
		Daggett of Taylor
		Gross of Ringgold
H-5661	S.F. 2195	Schroeder of Pottawattamie
		Van Maanen of Mahaska
H-5662	S.F. 2091	Welsh of Dubuque
		Rapp of Black Hawk
		Krewson of Polk
		McKean of Jones
H-5663	S.F. 2178	Welsh of Dubuque
		Cochran of Webster
		Horn of Linn
		Jay of Appanoose
		Howell of Floyd
H-5664	S.F. 482	O'Kane of Woodbury

Pursuant to House Rule 2, the House was adjourned at 6:04 p.m., until 9:00 a.m., Thursday, April 1, 1982.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 1, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair:

Prayer was offered by the Reverend Peter Vander Weide, pastor of the First Christian Reformed Church, Oskaloosa.

The Journal of Wednesday, March 31, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald E. Boldt, Ackley.

PETITION FILED

The following petition was received and placed on file:

By Hall of Linn, from two hundred twelve residents of the Linn-Mar School District favoring the passage of laws imposing stricter punishment for driving a vehicle while under the influence of alcohol or mind affecting drugs, and urging stricter enforcement of these laws.

PRESENTATION TO CANCER SOCIETY

Johnson of Howard presented Mrs. Shirley Miller, wife of former State Representative Kenneth Miller, her granddaughter, Sonja and Linda Jackson, Executive Director of the Iowa Cancer Society.

They were escorted to the foot of the well by House Page Gregory Kress, Senate Page Clark Schoening and Governor's Page Finn Bullers, where a check for \$1182.00, a donation as a result of the 1982 Pages Ball and an additional contribution of \$798.33 was presented to Ms. Jackson in memory of the Honorable Kenneth Miller.

Avenson of Fayette moved to reconsider the motion by which the House Journal of March 31, 1982 was approved.

The motion lost and the House Journal of March 31, 1982 was approved.

SENATE MESSAGES CONSIDERED

Senate File 2264, by Hultman and Junkins, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

Read first time and referred to committee on **transportation**.

Senate File 2280, by committee on judiciary, a bill for an act relating to restitution by public offenders.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2286, by committee on natural resources, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

Read first time and referred to committee on **agriculture**.

Senate File 2291, Hultman and Junkins, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive.

Read first time and referred to committee on **transportation**.

MOTION TO RECONSIDER WITHDRAWN

(House File 2342)

De Groot of Lyon asked and received unanimous consent to withdraw the motion to reconsider House File 2342, a bill for an act relating to the regulation of persons engaged in the marketing of livestock, making an appropriation, and providing civil remedies and civil penalties and a January 1 effective date, filed on March 31, 1982.

MOTION TO RECONSIDER WITHDRAWN
(Amendment H—5635 to House File 2342)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H—5635 to House File 2342, found on pages 1118 and 1119 of the House Journal, filed on March 31, 1982.

MOTION TO RECONSIDER WITHDRAWN
(Amendment H—5639B, to H—5635, to House File 2342)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider amendment H—5639B, to amendment H—5635 (to House File 2342), found on pages 1119 and 1120, filed on March 31, 1982.

IMMEDIATE MESSAGE
(House File 2342)

Pope of Polk asked and received unanimous consent to immediately message House File 2342 to the Senate.

BUSINESS PENDING AT ADJOURNMENT
Regular Calendar

The House resumed consideration of **Senate File 2178**, a bill for an act relating to the administration and benefits of public retirement systems, and the committee amendment H—5583 found on pages 1125 through 1140 of the House Journal.

Avenson of Fayette rose on a point of order asking for a ruling on House Rule 54, in regard to the legality of the meeting of the committee on agriculture on March 31, 1982.

The Speaker ruled the point not well taken and that the meeting of the committee on agriculture was not held illegally.

Spear of Lee offered the following amendment H—5618, to amendment H—5583, filed by him and moved its adoption:

H—5618

1 Amend amendment H—5583, the Committee on State

- 2 Government amendment to Senate File 2178, as amended,
- 3 passed and reprinted by the Senate, as follows:
- 4 1. Page 1, line 9, by striking the word "the"
- 5 and inserting in lieu thereof the words "the a".

Amendment H—5618, to the committee amendment H—5583, was adopted.

Carpenter of Polk offered the following amendment H—5622, to amendment H—5583, filed by Carpenter and Swearingen and moved its adoption:

H—5622

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 1, line 16, by inserting after the word
- 5 "amended" the words "if the disability occurred to
- 6 the individual during the time the individual was
- 7 under the age of eighteen years and the parent of
- 8 the individual was an active member of the system".
- 9 2. Page 10, line 14, by inserting after the word
- 10 "amended" the words "if the disability occurred to
- 11 the individual during the time the individual was
- 12 under the age of eighteen years and the parent of
- 13 the individual was an active member of the system".

Amendment H—5622, to the committee amendment H—5583, was adopted.

Spear of Lee offered the following amendment H—5624, to amendment H—5583, filed by him and moved its adoption:

H—5624

- 1 Amend amendment H—5583, by the Committee on State
- 2 Government, to Senate File 2178, as amended, passed
- 3 and reprinted by the Senate, as follows:
- 4 1. Page 2, line 36, by inserting after the words
- 5 "father or mother" the words "or both".

Amendment H—5624, to the committee amendment H—5583, was adopted.

Spear of Lee offered the following amendment H—5634, to amendment H—5583, filed by him and moved its adoption:

H-5634

- 1 Amend amendment H-5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 2, lines 36 and 37, by striking the words
- 5 "in its discretion" and inserting in lieu thereof
- 6 the words "in its discretion".
- 7 2. Page 12, line 24, by striking the words "in
- 8 its discretion" and inserting in lieu thereof the
- 9 words "in its discretion".

A non-record roll call was requested.

The ayes were 83, nays 6.

Amendment H-5634, to the committee amendment H-5583, was adopted.

(Senate File 2178 and the committee amendment H-5583 pending at recess.)

On motion by Pope of Polk, the House was recessed at 10:00 a.m., until 2:30 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 eighty-eight members present, twelve absent.

BUSINESS PENDING AT RECESS

Regular Calendar

The House resumed consideration of **Senate File 2178**, a bill for an act relating to the administration and benefits of public retirement systems and the committee amendment H-5583 found on pages 1125 through 1140 of the House Journal.

HOUSE RULE 25 SUSPENDED

Swearingen of Keokuk asked and received unanimous consent to

suspend House Rule 25 to permit Mr. Dennis Jacobs of IPERS on the floor during debate on Senate File 2178.

Swearingen of Keokuk offered amendment H—5655, to amendment H—5583, filed by Swearingen and Brandt as follows:

H—5655

- 1 Amend amendment H—5583 to Senate File 2178,
- 2 as follows:
- 3 1. Page 3, by inserting after line 38, the
- 4 following:
- 5 "(4) That, where prudent, investments made
- 6 under this paragraph shall be made in a manner that
- 7 will enhance the economy of this state, and in
- 8 particular, will result in increased employment of
- 9 the residents of this state."

The House stood at ease at 2:43 p.m., until the fall of the gavel.

The House resumed session at 3:43 p.m., Speaker Stromer in the chair.

Swearingen of Keokuk moved the adoption of amendment H—5655, to amendment H—5583.

Amendment H—5655, to the committee amendment H—5583, was adopted.

Spear of Lee offered the following amendment H—5620, to amendment H—5583, filed by him and moved its adoption:

H—5620

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment to Senate File 2178, as amended,
- 3 passed and reprinted by the Senate, as follows:
- 4 1. Page 4, lines 45 and 46, by striking the words
- 5 " , through resignation or any other another cause,"
- 6 and inserting in lieu thereof the words " ; through
- 7 resignation or any other cause,".

Amendment H—5620, to the committee amendment H—5583, was adopted.

Brandt of Black Hawk offered the following amendment

H—5641, to amendment H—5583, filed by Brandt, Groth and Fey and moved its adoption:

H—5641

1 Amend amendment H—5583, the Committee on State
 2 Government amendment to Senate File 2178, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 4, by inserting after line 49 the
 5 following:
 6 "Sec. . Section 97B.11, Code 1981, is amended
 7 to read as follows:
 8 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.
 9 Each employer shall deduct from the wages of each
 10 member of the system a contribution in the amount
 11 of three and six tenths seven-tenths percent of the
 12 covered wages paid by the employer through June 30,
 13 1979 December 31, 1983, and commencing July 1, 1979
 14 January 1, 1984 in the amount of three and seven-
 15 tenths eight-tenths percent of the covered wages paid
 16 by the employer, until the first of the month in which
 17 the member attains the age of seventy years or the
 18 member's termination or retirement from employment,
 19 whichever is earlier. The contributions of the
 20 employer shall be in the amount of three and one half
 21 percent of the covered wages of the member for service
 22 through December 31, 1975, and in the amount of five
 23 and twenty-five seventy-five hundredths percent of
 24 the covered wages of the member for service commencing
 25 July 1, 1977 through June 30, 1979 December 31, 1983,
 26 and in the amount of five and seventy five six and
 27 twenty-five hundredths percent of the covered wages
 28 of the member for service commencing July 1, 1979
 29 January 1, 1984."
 30 2. By numbering and renumbering sections and
 31 correcting internal references as necessary.

Roll call was requested by Brandt of Black Hawk and Halvorson of Webster.

On the question "Shall amendment H—5641 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth

Hall	Halvorson, R.N.	Horn	Howell
Jay	Jochum	Knapp	Lind
Lloyd-Jones	Loneragan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

Amendment H-5641, to the committee amendment H-5583, lost.

Byerly of Polk offered the following amendment H-5646, to amendment H-5583, filed by him and moved its adoption:

H-5646

- 1 Amend amendment H-5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 4, by inserting after line 49 the
- 5 following:
- 6 "Sec. . Section 97B.11, Code 1981, is amended
- 7 to read as follows:
- 8 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.
- 9 1. Each employer shall deduct from the wages of
- 10 each member of the system a contribution in the Each
- 11 employee shall contribute an amount of equal to three
- 12 and six-tenths percent of the covered wages paid by
- 13 the employer of the employee through June 30, 1979,
- 14 and commencing July 1, 1979 in the amount of three

15 and seven-tenths percent of the covered wages paid
16 by the employer of the employee, until the first of
17 the month in which the member attains the age of
18 seventy years or the member's termination or retirement
19 from employment, whichever is earlier. The
20 contributions of the employer shall be in the amount
21 of three and one-half percent of the covered wages
22 of the member for service through December 31, 1975,
23 and in the amount of five and twenty-five hundredths
24 percent of the covered wages of the member for service
25 commencing July 1, 1977 through June 30, 1979, and
26 in the amount of five and seventy-five hundredths
27 percent of the covered wages of the member for service
28 commencing July 1, 1979.

29 2. Contributions of the employer shall be in the
30 form of a deduction from the covered wages of the
31 member and shall be made notwithstanding that the
32 wages paid in cash to the employee are reduced by
33 the deduction below the minimum prescribed by law.
34 Each member is deemed to consent and agree to the
35 deduction from covered wages provided in this section
36 and to acknowledge that the member has received the
37 member's entire wages.

38 3. Each employer shall pick up the employee
39 contributions required by subsection 2 for covered
40 wages earned after July 1, 1982, and the contributions
41 so picked up shall be treated as employer contributions
42 in determining tax treatment under the United States
43 Internal Revenue Code. However, each employer shall
44 continue to withhold federal and state income taxes
45 based upon these contributions until the internal
46 revenue service or the federal courts rule that
47 pursuant to section 414 (h) of the United States
48 Internal Revenue Code, these contributions shall not
49 be included as gross income of the employee until
50 such time as they are distributed or made available.

Page 2

1 The employer shall pay the employee contributions
2 from the same source of funds which is used in paying
3 earnings to the employee. The employer may pick up
4 these contributions by a reduction in the cash wages
5 of the employee or by an offset against a future wage
6 increase or by a combination of a reduction in wages
7 and offset against a future wage increase. If employee
8 contributions are picked up, they shall be treated
9 for all purposes of this chapter in the same manner
10 and to the same extent as employee contributions made
11 prior to the date picked up.

12 Sec. . Section 97B.14, Code 1981, is amended

13 to read as follows:

14 97B.14 CONTRIBUTIONS FORWARDED. Contributions
15 deducted from the wages of the member and the
16 employer's contribution of the employer and the
17 employee shall be forwarded to the department for
18 recording and deposited with the treasurer of the
19 state to the credit of the Iowa public employees'
20 retirement fund. Contributions shall be remitted
21 monthly, if total contributions by both employee and
22 employer amount to one hundred dollars or more each
23 month, and shall be otherwise paid in such manner,
24 at such times and under such conditions, either by
25 copies of payrolls or other methods necessary or
26 helpful in securing proper identification of the
27 member, as may be prescribed by the department."

28 2. Page 8, by inserting after line 4 the following:

29 "Sec. . Section 97B.49, subsection 8, paragraph
30 b, Code 1981, is amended to read as follows:

31 b. Each county and employee eligible for benefits
32 under this section shall annually contribute an amount
33 determined by the Iowa department of job service,
34 as a percentage of covered wages, to be necessary
35 to pay for the additional benefits provided by this
36 section. The annual contribution in excess of the
37 employer and employee contributions required by this
38 chapter shall be paid by the employer and the employee
39 made in the same proportion that employer and employee
40 contributions are made under section 97B.11. The
41 additional percentage of covered wage calculated by
42 the department shall be an actuarially determined
43 amount which, if contributed throughout the entire
44 period of active service, would be sufficient to
45 provide the pension benefit provided in this section."

46 3. By numbering and renumbering sections and
47 correcting internal references as necessary.

Roll call was requested by Woods of Polk and Renaud of Polk.

On the question "Shall amendment H—5646 be adopted?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Knapp	Lloyd-Jones	Lonergan
Mann	Norland	O'Kane	Oxley

Pavich	Poney	Rapp	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Tofte	Tyrrell
Walter	Welsh	Woods	

The nays were, 53:

Anderson, J.	Bennett	Brandt	Branstad
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Smith	Stueland
Swearingen	Trucano	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, none.

Amendment H—5646, to the committee amendment H—5583, lost.

Lloyd-Jones of Johnson offered amendment H—5638, to amendment H—5583, filed by her as follows:

H—5638

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 5, by inserting after line 21 the
- 5 following:
- 6 "Sec. . Section 97B.41, subsection 1, paragraph
- 7 b, subparagraph (4), Code 1981, is amended to read
- 8 as follows:
- 9 (4) For each calendar year from January 1, 1976,
- 10 and thereafter through December 31, 1982, wages not
- 11 in excess of twenty thousand dollars."
- 12 2. Page 5, by inserting after line 35 the
- 13 following:
- 14 "Sec. . Section 97B.41, subsection 1, paragraph
- 15 b, Code 1981, is amended by adding the following new
- 16 subparagraphs after subparagraph (4) and renumbering
- 17 the remaining subparagraphs:
- 18 NEW SUBPARAGRAPH. For each calendar year from
- 19 January 1, 1983 through December 31, 1984, wages not

- 20 in excess of twenty-one thousand dollars per year.
21 NEW SUBPARAGRAPH. For each calendar year from
22 January 1, 1985 through December 31, 1986, wages not
23 in excess of twenty-three thousand dollars per year.
24 NEW SUBPARAGRAPH. For each calendar year from
25 January 1, 1987 and thereafter, wages not in excess
26 of twenty-five thousand dollars per year."
27 3. Page 6, line 48, by striking the word "fifty"
28 and inserting in lieu thereof the word "forty-nine".
29 4. Page 7, line 23, by striking the word "fifty"
30 and inserting in lieu thereof the word "forty-nine".
31 5. Page 8, line 4, by striking the word "fifty"
32 and inserting in lieu thereof the word "forty-nine".
33 6. Page 8, line 18, by striking the word "fifty"
34 and inserting in lieu thereof the word "forty-nine".
35 7. By numbering and renumbering sections and
36 correcting internal references as necessary.

The following amendment H-5671, to amendment H-5638 (to amendment H-5583), filed by Lloyd-Jones of Johnson from the floor was adopted by unanimous consent:

H-5671

- 1 Amend amendment H-5638 to amendment H-5583 to
- 2 Senate File 2178, as follows:
- 3 1. Page 1, by striking lines 24 through 26.

Hanson of Delaware requested division of amendment H-5638, as amended, to amendment H-5583, as follows:

Lines 4 through 26, division A.

Lines 27 through 36, division B.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H-5638A.

Spear of Lee offered the following amendment H-5623, to amendment H-5583, filed by him and moved its adoption:

H-5623

- 1 Amend amendment H-5583, by the Committee on State
- 2 Government, to Senate File 2178, as amended, passed
- 3 and reprinted by the Senate, as follows:
- 4 1. By striking page 5, line 48 through page 6,
- 5 line 1, and inserting in lieu thereof the following:

- 6 "calendar year, the department may determine the wages
- 7 for the fifth year by combining the wages from the
- 8 highest quarter or quarters of a year not being used
- 9 in the selection of the four highest years with the
- 10 final quarter or quarters of the member's service to
- 11 create a full year."

Amendment H—5623, to the committee amendment H—5583, was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5665, to the committee amendment H—5583, filed by him from the floor.

Clark of Cerro Gordo offered the following amendment H—5608, to amendment H—5583, filed by Clark of Cerro Gordo and Cochran and moved its adoption:

H—5608

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 6, by inserting after line 7 the following:
- 5 "Sec. . Section 97B.41, Code 1981, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. ATTAINMENT OF AGE. A member
- 8 attains any given age on the day before the anniversary
- 9 of the member's birth."
- 10 2. By numbering and renumbering sections and
- 11 correcting internal references as necessary.

Roll call was requested by Runnig of Linn and Chiodo of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—5608 be adopted?"

The ayes were, 52:

Anderson, R.
Binneboese
Carl
Cochran
Dieleman
Groth
Horn
Johnson, J.

Arnould
Brandt
Chiodo
Connolly
Doderer
Hall
Howell
Knapp

Avenson
Branstad
Clark, B. J.
Connors
Fey
Halvorson, R. N.
Jay
Krewson

Baxter
Bruner
Clark, J. H.
Davitt
Gettings
Harbor
Jochum
Lloyd-Jones

Lonergan	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Rapp
Renaud	Rosenberg	Running	Smalley
Spear	Sturgeon	Swartz	Trucano
Tyrrell	Walter	Welsh	Woods

The nays were, 47:

Anderson, J.	Bennett	Byerly	Carpenter
Clements	Conlon	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Hummel	Johnson, R.	Johnson, W.
Lageschulte	Lind	Mann	Maulsby
Menke	Mullins	Pellett	Petrick
Poffenberger	Poncy	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smith	Stueland	Swearingen	Tofte
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 1:

Sullivan

Amendment H—5608, to the committee amendment H—5583, was adopted.

Gettings of Wapello offered the following amendment H—5633, to amendment H—5583, filed by Gettings and Poncy and moved its adoption:

H—5633

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed and reprinted by the Senate, as follows:
- 4 1. Page 6, by striking lines 39 through 48 and
- 5 inserting in lieu thereof the following:
- 6 "For each active member retiring on or after January
- 7 1, 1976, with four or more complete years of service,
- 8 a monthly benefit shall be computed which is equal
- 9 to one-twelfth of an amount equal to ~~forty-seven~~ fifty
- 10 percent of the five-year average covered wage
- 11 multiplied by a fraction of years of service. For
- 12 the purposes of this subsection,".
- 13 2. Page 7, by striking lines 8 and 9 and inserting
- 14 in lieu thereof the words and figures "section 107.13
- 15 and who retires on or after July 1, 1978 and at the
- 16 time of".

17 3. Page 7, by striking lines 15 through 23 and
 18 inserting in lieu thereof the following: "retirement
 19 allowance equal to one-twelfth of forty-seven fifty
 20 percent of the member's five-year average covered
 21 wage as a conservation peace officer multiplied by
 22 a fraction of years of service, with benefits payable
 23 during the member's lifetime. There is appropriated
 24 from the".

25 4. Page 7, by striking lines 39 and 40 and
 26 inserting in lieu thereof the words and figures "1981
 27 Supplement, and who retires on or after January 1,
 28 1978 and at the time".

29 5. By striking page 7, line 46, through page 8,
 30 line 4, and inserting in lieu thereof the following:
 31 "allowance equal to one-twelfth of forty-seven fifty
 32 percent of the member's five-year average covered
 33 wage as a sheriff or deputy sheriff multiplied by
 34 a fraction of years of service, with benefits payable
 35 during the member's lifetime."

Roll call was requested by Gettings of Wapello and Connolly of Dubuque.

On the question, "Shall amendment H—5633 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R.N.	Horn	Howell
Jay	Jochum	Knapp	Lind
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poney	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Eggenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Mann	Maulsby	McKean

Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

Amendment H—5633, to the committee amendment H—5583, lost.

Hanson of Delaware called up for consideration amendment H—5638B, to amendment H—5583.

Lloyd-Jones of Johnson asked for unanimous consent to defer action on amendment H—5638B in order to take up amendment H—5638A.

Objection was raised.

Lloyd-Jones of Johnson moved to defer action on amendment H—5638B in order to consider amendment H—5638A.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 50.

The motion lost.

Groth of Buena Vista asked for unanimous consent to temporarily defer action on Senate File 2178.

Objection was raised.

The House stood at ease at 5:07 p.m., until the fall of the gavel.

The House resumed session at 5:24 p.m., Speaker Stromer in the chair.

Pope of Polk asked and received unanimous consent to withdraw the request by Hanson of Delaware for the division of amendment H—5638.

The House again considered amendment H—5638, lines 1 through 36, as amended, to amendment H—5583, filed by Lloyd-Jones of Johnson and found on pages 1160 and 1161 of the House Journal.

HOUSE RULE 2 SUSPENDED

Pope of Polk asked for unanimous consent to suspend House Rules 2 and 15 to continue session beyond 6:00 p.m., and to allow food in the House chamber during session.

Objection was raised.

Pope of Polk moved to suspend House Rules 2 and 15.

Chido of Polk rose on a point of order regarding the suspension of two rules at the same time.

The Speaker ruled the point well taken.

Pope of Polk moved to suspend House Rule 2 to continue session beyond 6:00 p.m.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 55, nays 45.

The motion prevailed and House Rule 2 was suspended.

HOUSE RULE 15 SUSPENDED.

Pope of Polk asked and received unanimous consent to suspend House Rule 15, to allow food in the House chamber during session.

Lloyd-Jones of Johnson moved the adoption of amendment H—5638, to amendment H—5583.

Roll call was requested by Anderson of Jasper and Brandt of Black Hawk.

Rule 80 was invoked.

On the question "Shall amendment H—5638 be adopted?"

The ayes were, 50:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Johnson, J.	Knapp
Krewson	Lageschulte	Lloyd-Jones	Loneragan
Mullins	Norland	O'Kane	Oxley
Pavich	Poffenberger	Poncy	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, R.	Johnson, W.	Lind	Mann
Maulsby	McKean	Menke	Pellett
Pelton	Petrick	Pope	Renken
Ritsema	Schneklath	Schroeder	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

Amendment H—5638, as amended (to the committee amendment H—5583), lost.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—5593, to the committee amendment H—5583, filed by him on March 29, 1982.

Byerly of Polk offered the following amendment H—5595, to amendment H—5583, filed by him and moved its adoption:

H—5595

1 Amend amendment H—5583, the Committee on State
2 Government amendment, to Senate File 2178, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 6, lines 49 and 50, by striking the words
5 “, not to exceed one,” and inserting in lieu thereof
6 the words “, not to exceed one;”.
7 2. Page 7, line 2, by inserting after the word
8 “years.” the following: “However, in calculating
9 the fraction of years of service of members with more
10 than thirty years of membership service and prior
11 service, one year of service shall be added for each
12 two years of service in excess of thirty years.”

A non-record roll call was requested.

The nays were 44, nays 54.

Amendment H—5595, to the committee amendment H—5583, lost.

Welsh of Dubuque asked and received unanimous consent to withdraw amendment H—5642, to the committee amendment H—5583, filed by Welsh, et al., on March 31, 1982.

Welsh of Dubuque offered amendment H—5663, to amendment H—5583, filed by Welsh, et al., as follows:

H—5663

1 Amend amendment H—5583, the Committee on State
2 Government amendment to Senate File 2178, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. By striking page 7, line 36 through page 8,
5 line 1 and inserting in lieu thereof the following:
6 “county sheriff, as defined in section 39.17, or as
7 a deputy sheriff appointed pursuant to chapter 341
8 section 341.1, Code 1981, or section 331.903, Code
9 1981 Supplement, or as a marshal or police officer
10 in a city not covered under chapter 400, and who
11 retires on or after between January 1, 1978 and June
12 30, 1982 and at the time of retirement is at least
13 sixty years of age and has completed at least twenty-
14 five years of membership service as a county sheriff

15 or, deputy sheriff, or marshal or police officer as
16 defined in this subsection, may elect to receive,
17 in lieu of the benefits under subsection 5 of this
18 section, a monthly retirement allowance equal to one-
19 twelfth of forty-seven percent of the member's five-
20 year average covered wage as a sheriff ~~or, deputy~~
21 ~~sheriff multiplied by a fraction of years of service,~~
22 or marshal or police officer as defined in this
23 subsection, with benefits payable during the member's
24 lifetime. For each sheriff, deputy sheriff, and
25 marshal or police officer as defined in this section
26 eligible for benefits under this paragraph".

27 2. Page 8, by inserting after line 4 the following:

28 "Sec. . Section 97B.49, subsection 8, paragraph
29 b, Code 1981, is amended to read as follows:

30 b. Each county and applicable city and employee
31 eligible for benefits under this section shall annually
32 contribute an amount determined by the Iowa department
33 of job service, as a percentage of covered wages,
34 to be necessary to pay for the additional benefits
35 provided by this section. The annual contribution
36 in excess of the employer and employee contributions
37 required by this chapter shall be paid by the employer
38 and the employee in the same proportion that employer
39 and employee contributions are made under section
40 97B.11. The additional percentage of covered wage
41 calculated by the department shall be an actuarially
42 determined amount which, if contributed throughout
43 the entire period of active service, would be
44 sufficient to provide the pension benefit provided
45 in this section."

46 3. By numbering and renumbering sections and
47 correcting internal references as necessary.

The following amendment H—5675, to amendment H—5663 (to amendment H—5583), filed by Welsh from the floor was adopted by unanimous consent:

H—5675

1 Amend amendment H—5663 to amendment H—5583, to
2 Senate File 2178, as follows:

3 1. Page 1, line 9, by striking the words
4 "marshal or".

5 2. Page 1, line 15, by striking the words
6 "marshal or".

7 3. Page 1, line 19, by striking the words
8 "forty-seven", and inserting in lieu thereof the
9 words "forty-seven fifty".

10 4. Page 1, line 22, by striking the words

- 11 "marshal or".
 12 5. Page 1, line 25, by striking the words
 13 "marshall or".

Welsh of Dubuque moved the adoption of amendment H—5663, as amended.

Roll call was requested by Howell of Floyd and Welsh of Dubuque.

On the question "Shall amendment H—5663, as amended, be adopted?"

The ayes were, 45:

Arnould	Avenson	Baxter	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Fey
Gettings	Groth	Hall	Halvorson, R.N.
Horn	Howell	Jay	Jochum
Johnson, R.	Knapp	Lloyd-Jones	Loneragan
Mullins	Norland	O'Kane	Oxley
Pavich	Pelton	Rapp	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Doderer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Pellet	Petrick	Poffenberger
Poncy	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 2:

Anderson, R. Harbor

Amendment H—5663, as amended, to the committee amendment H—5583, lost.

Dieleman of Marion offered the following amendment H—5594, to amendment H—5583, filed by him and moved its adoption:

H—5594

1 Amend amendment H—5583, the Committee on State
2 Government amendment to Senate File 2178, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 8, by inserting after line 21 the
5 following:

6 "Sec. . Section 97B.49, Code 1981, is amended
7 by adding the following new subsection:

8 NEW SUBSECTION. Notwithstanding other provisions
9 of this chapter, a member who is or has been employed
10 as an employee of the department of transportation
11 and has been designated a peace officer by resolution
12 of the department of transportation under section
13 321.477 and who retires on or after July 1, 1983 and
14 at the time of retirement is at least sixty years
15 of age and has completed at least twenty-five years
16 of membership service as a peace officer of the
17 department of transportation, may elect to receive,
18 in lieu of the receipt of any benefits under subsection
19 5 of this section, a monthly retirement allowance
20 equal to one-twelfth of fifty percent of the member's
21 five-year average covered wage as a peace officer
22 of the department of transportation, with benefits
23 payable during the members's lifetime.

24 The department of transportation shall pay to the
25 Iowa department of job service, from funds appropriated
26 to the department of transportation, an amount
27 sufficient to pay an additional percent of the covered
28 wages of each peace officer of the department of
29 transportation, in addition to the contribution paid
30 by the employer under section 97B.11, to finance the
31 cost of increased benefits under this subsection."

A non-record roll call was requested.

The ayes were 36, nays 60.

Amendment H—5594, to the committee amendment H—5583, lost.

Brandt of Black Hawk offered the following amendment H—5640, to amendment H—5583, filed by her and moved its adoption:

H—5640

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment to Senate File 2178, as amended,
- 3 passed and reprinted by the Senate, as follows:
- 4 1. Page 8, by striking lines 22 through 46.
- 5 2. By numbering and renumbering sections and
- 6 correcting internal references as necessary.

Roll call was requested by Brandt of Black Hawk and Groth of Buena Vista.

On the question "Shall amendment H—5640 be adopted?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Chiodo
Cochran	Connolly	Connors	Copenhaver
Davitt	Dieleman	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jochum	Krewson	Lind
Lloyd-Jones	O'Kane	Oxley	Pavich
Poney	Rapp	Renaud	Rosenberg
Running	Shull	Smith	Spear
Sullivan	Swartz	Walter	Woods

The nays were, 59:

Anderson, J.	Branstad	Bruner	Byerly
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Doderer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
Pellet	Petrick	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Smalley	Stueland	Sturgeon	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Mr. Speaker	

Absent or not voting, 1:

Pelton

Amendment H—5640, to the committee amendment H—5583, lost.

Brandt of Black Hawk offered the following amendment H—5669, to amendment H—5583, filed by Brandt, Fey, Lonergan, Poncy, Anderson of Jasper, Walter, Baxter, Pavich, Connolly, Rosenberg, Knapp, Oxley, Dieleman, Bruner, Halvorson of Webster, Groth, Norland, Lloyd-Jones, Gettings, Carl, Howell, Swartz, Spear, Avenson, Davitt, Horn, Welsh, Sturgeon, Sullivan, Byerly, Binneboese, Renaud, Hall, Cochran, Connors, Doderer, O'Kane and Arnould from the floor and moved its adoption:

H—5669

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 8, by inserting after line 46 the
- 5 following:
- 6 "There is appropriated annually from the general
- 7 fund of the state to the Iowa department of job service
- 8 from funds not otherwise appropriated, two million two
- 9 hundred and seventeen thousand dollars per year for
- 10 each year commencing with the fiscal year beginning
- 11 July 1, 1982 through the fiscal year beginning July 1,
- 12 1991 to pay the cost of the increased benefits provided
- 13 in this subsection."

Roll call was requested by Brandt of Black Hawk and Poncy of Wapello.

On the question "Shall amendment H—5669 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Knapp	Lind
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
--------------	---------	----------	-----------

Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, none.

Amendment H—5669, to the committee amendment H—5583, lost.

Hanson of Delaware offered the following amendment H—5627, to amendment H—5583, filed by him and moved its adoption:

H—5627

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 9, by inserting after line 3 the following:
- 5 "Sec. . Section 97B.67, Code 1981, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. It is the intent of the general
- 8 assembly that the 70th General Assembly review
- 9 whether there is sufficient unobligated revenue in the
- 10 general fund of the state to appropriate funds to pay
- 11 the benefit increases provided in section 16 of this
- 12 Act from the general fund of the state, and if sufficient
- 13 revenue is available, the 70th General Assembly shall
- 14 appropriate the funds necessary."
- 15 2. By numbering and renumbering sections and
- 16 correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 74, nays 18.

Amendment H—5627, to the committee amendment H—5583, was adopted.

Tyrrell of Iowa asked and received unanimous consent to take up for consideration amendment H—5617, to amendment H—5583, before amendment H—5626.

Tyrrell of Iowa offered the following amendment H—5617, to amendment H—5583, filed by Tyrrell, et al., and moved its adoption:

H—5617

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 9, by striking lines 4 through 34.
- 5 2. By numbering and renumbering sections and
- 6 correcting internal references as necessary.

Roll call was requested by Tyrrell of Iowa and Smalley of Polk.

On the question "Shall amendment H—5617 be adopted?"

The ayes were, 42:

Bennett	Clements	Conlon	Cook
Corey	Daggett	Danker	De Groot
Diemer	Gross	Groth	Halvorson, R. N.
Hanson, D.	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	O'Kane	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Shull	Smalley	Spear
Stueland	Sturgeon	Sullivan	Tyrrell
Van Maanen	Welden		

The nays were, 57:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Connolly	Connors	Copenhaver	Crabb
Davitt	Dieleman	Doderer	Egenes
Fey	Gettings	Hall	Halvorson, R. A.
Harbor	Hoffmann-Bright	Horn	Howell
Jay	Jochum	Krewson	Lloyd-Jones
Loneragan	Mullins	Norland	Oxley
Pavich	Pellett	Poncy	Rapp
Renaud	Rosenberg	Running	Schroeder
Smith	Swartz	Swearingen	Tofte

Trucano
Mr. Speaker

Walter

Welsh

Woods

Absent or not voting, 1:

Hansen, I.

Amendment H—5617, to the committee amendment H—5583, lost.

Tyrrell of Iowa offered amendment H—5626, to amendment H—5583, filed by him and moved its adoption:

H—5626

1 Amend amendment H—5583, the Committee on State
2 Government amendment, to Senate File 2178, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 9, by striking lines 12 and 13 and
5 inserting in lieu thereof the following: "to the
6 accumulated employee contributions as defined in
7 section 97B.41, subsection 13, which would have been
8 made, plus the interest that would have accrued on
9 the contributions,".

10 2. Page 9, line 17, by striking the word
11 "accumulated" and inserting in lieu thereof the word
12 "aeccumulated".

13 3. Page 9, line 18, by striking the word
14 "contributions" and inserting in lieu thereof the
15 words "employee contributions plus interest".

16 4. Page 9, line 26, by striking the words
17 "accumulated contributions" and inserting in lieu
18 thereof the words "employee contributions plus
19 interest".

20 5. Page 9, line 30, by striking the words
21 "accumulated contributions" and inserting in lieu
22 thereof the words "employee contributions plus
23 interest".

Amendment H—5626, to the committee amendment H—5583, was adopted.

Horn of Linn offered the following amendment H—5636, to amendment H—5583, filed by Horn, Running and Hall and moved its adoption:

H-5636

1 Amend amendment H-5583, the Committee on State
2 Government amendment, to Senate File 2178, as amended,
3 passed and reprinted by the Senate, as follows:

4 1. Page 10, by inserting after line 2 the
5 following:

6 "Sec. . Chapter 97B, Code 1981, is amended
7 by adding the following new section:

8 **NEW SECTION. FORMER MEMBERS.** A vested, or retired
9 member who was a member of the teachers insurance
10 and annuity association-college retirement equity
11 fund at any time between July 1, 1967 and June 30,
12 1971 and who became a member of the system on July
13 1, 1971, upon submitting verification of service and
14 wages earned during the period of service under the
15 teachers insurance and annuity association-college
16 retirement equity fund, may make employer and employee
17 contributions to the system based upon the covered
18 wages of the member and the covered wages and the
19 contribution rates in effect for that period of service
20 and receive credit for membership service under this
21 system equivalent to the number of years of service
22 in the teachers insurance and annuity association-
23 college retirement equity fund. In addition, a member
24 making employer and employee contributions because
25 of membership in the teachers insurance and annuity
26 association-college retirement equity fund under this
27 section who was a member of the system on June 30,
28 1967 and withdrew the member's accumulated
29 contributions because of membership on July 1, 1967
30 in the teachers insurance and annuity association-
31 college retirement equity fund, may make employee
32 contributions to the system for the period of service
33 under the system prior to July 1, 1967.

34 The contributions paid by the vested or retired
35 member shall be equal to the accumulated contributions
36 as defined in section 97B.41, subsection 13, by the
37 member for that period of service, and the employer
38 contribution for that period of service under the
39 teachers insurance and annuity association-college
40 retirement equity fund, that would have been or had
41 been contributed by the vested or retired member and
42 the employer, if applicable, plus interest on the
43 contributions that would have accrued for the period
44 from the date the previous service commenced under
45 this system or from the date the service of the member
46 in the teachers insurance and annuity association-
47 college retirement equity fund commenced to the date
48 of payment of the contributions by the member equal
49 to two percent plus the interest dividend rate
50 applicable for each year.

Page 2

- 1 Verification of service and wages earned and payment
- 2 of contributions shall be made to the department not
- 3 later than June 30, 1983."
- 4 2. By numbering and renumbering sections and
- 5 correcting internal references as necessary.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 50, nays 50.

Amendment H—5636, to the committee amendment H—5583, lost.

Spear of Lee offered the following amendment H—5619, to amendment H—5583, filed by him and moved its adoption:

H—5619

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment to Senate File 2178, as amended,
- 3 passed and reprinted by the Senate, as follows:
- 4 1. Page 10, line 7, by striking the word "the"
- 5 and inserting in lieu thereof the words "the a".

Amendment H—5619, to the committee amendment H—5583, was adopted.

Running of Linn offered the following amendment H—5632, to amendment H—5583, filed by him and moved its adoption:

H—5632

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 11, by inserting after line 25 the
- 5 following:
- 6 "Sec. . Section 411.6, subsection 7, paragraph
- 7 a, unnumbered paragraph 2, Code 1981, is amended to
- 8 read as follows:
- 9 A beneficiary retired under the provisions of this
- 10 paragraph who is less than fifty-five years of age,
- 11 in order to be eligible for continued receipt of

12 retirement benefits, shall no later than May 15 of
13 each year submit to the board of trustees a copy of
14 his or her state income tax return for the preceding
15 year."

16 2. By numbering and renumbering sections and
17 correcting internal references as necessary.

Amendment H—5632, to the committee amendment H—5583,
was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Avenson of Fayette.

Krewson of Polk offered the following amendment H—5614, to
amendment H—5583, filed by Krewson, et al., and moved its adop-
tion:

H—5614

• 1 Amend amendment H—5583, the Committee on State
2 Government amendment, to Senate File 2178, as amended,
3 passed and reprinted by the Senate, as follows:

4 1. Page 13, by inserting after line 19 the
5 following:

6 "Sec. . Section 411.6, subsection 12, paragraph
7 a, unnumbered paragraph 1, Code 1981, is amended to
8 read as follows:

9 Effective July 1, 1980, and on On each July 1
10 thereafter and January 1, the monthly pensions
11 authorized in this section payable to retired members
12 and to beneficiaries, except children of a deceased
13 member, shall be adjusted as provided in this
14 paragraph. An amount equal to the following
15 percentages of the difference between the monthly
16 earnable compensation payable to an active member
17 of the department, of the same rank and position on
18 the salary scale as was held by the retired or deceased
19 member at the time of the member's retirement or
20 death, for July of the preceding year the month in
21 which the last preceding adjustment was made and the
22 monthly earnable compensation payable to an active
23 member of the department of the same rank and position
24 on the salary scale for July of the year just beginning
25 the month in which the adjustment is made shall be
26 added to the monthly pension of each retired member

27 and each beneficiary as follows:

28 Sec. . Section 411.6, subsection 12, paragraph
29 a, unnumbered paragraph 4, Code 1981, is amended to
30 read as follows:

31 As of the first of July 1 and January 1 of each
32 year, the monthly pension payable to each surviving
33 child under the provisions of subsections 8, 9, and
34 11 of this section shall be adjusted to equal six
35 percent of the monthly earnable compensation payable
36 on that July 1 or January 1 to an active member holding
37 the highest grade in the rank of fire fighter, for
38 a child of a deceased member of a fire department,
39 or holding the highest grade in the rank of police
40 patrol officer, for a child of a deceased member of
41 a police department.

42 Sec. . Section 411.6, subsection 12, paragraphs
43 b and d, Code 1981, are amended to read as follows:

44 b. All monthly pensions adjusted as provided in
45 this subsection shall be payable beginning on July
46 1 and January 1 of the year in which the adjustment
47 is made and shall continue in effect until the next
48 following July 1 adjustment at which time the monthly
49 pensions shall again be adjusted in accordance with
50 paragraph "a" of this subsection.

Page 2

1 d. A retired member eligible for benefits under
2 the provisions of subsection 1 of this section is
3 not eligible for the annual readjustment of pensions
4 provided in this subsection unless the member served
5 twenty-two years and attained the age of fifty-five
6 years prior to his the member's termination of
7 employment."

8 2. By numbering and renumbering sections and
9 correcting internal references as necessary.

Speaker pro tempore Menke of O'Brien in the chair at 7:50 p.m.

On the motion to adopt amendment H—5614, to amendment H—5583, a non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H—5614, to the committee amendment H—5583, lost.

Krewson of Polk offered the following amendment H—5615, to

amendment H—5583, filed by Krewson, et al., and moved its adoption:

H—5615

1 Amend amendment H—5583, the Committee on State
2 Government amendment, to Senate File 2178, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 15, by inserting after line 38 the
5 following:

6 "Sec. . The department of job service, in
7 cooperation with the advisory investment board of
8 the Iowa public employees' retirement system shall
9 prepare a plan for submission to the general assembly
10 not later than March 1, 1983 outlining the feasibility
11 of investment of moneys in the Iowa public employees'
12 retirement fund in negotiable bonds and notes of the
13 Iowa housing finance authority, the Iowa family farm
14 development authority, the Iowa railway finance
15 authority, and any other bonds issued by an agency
16 of the state under laws of this state with a purpose
17 of aiding the economic development of this state."

18 2. By numbering and renumbering sections and
19 correcting internal references as necessary.

Roll call was requested by Pelton of Clinton and Krewson of Polk.

On the question "Shall amendment H—5615 be adopted?"

The ayes were, 49:

Anderson, J.	Arnould	Avenson	Binneboese
Branstad	Bruner	Byerly	Carl
Chiodo	Clark, B. J.	Connors	Crabb
Danker	De Groot	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Holt
Howell	Hummel	Jochum	Johnson, R.
Johnson W.	Knapp	Krewson	Lonergan
McKean	Mullins	O'Kane	Pavich
Pelton	Petrick	Poffenberger	Pope
Renaud	Rosenberg	Running	Schnekloth
Smith	Sturgeon	Trucano	Woods
Mr. Speaker			
(Menke)			

The nays were, 50:

Anderson, R.	Baxter	Bennett	Brandt
Carpenter	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Daggett	Davitt	Dieleman
Diemer	Doderer	Egenes	Harbor
Hoffmann-Bright	Horn	Jay	Johnson, J.
Lageschulte	Lind	Lloyd-Jones	Mann
Maulsby	Norland	Oxley	Pellett
Poncy	Rapp	Renken	Ritsema
Schroeder	Shull	Smalley	Spear
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Welsh		

Absent or not voting, 1:

Walter

Amendment H—5615, to the committee amendment H—5583, lost.

Bruner of Story offered the following amendment H—5629, to amendment H—5583, filed by him and moved its adoption:

H—5629

- 1 Amend amendment H—5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 15, by inserting after line 38 the
- 5 following:
- 6 "Sec. . The department of job service, in
- 7 cooperation with the advisory investment board of
- 8 the Iowa public employees' retirement system, shall
- 9 prepare a report to the general assembly containing
- 10 information for investments made under section 97B.7,
- 11 subsection 2, paragraph b, Code 1981, including
- 12 investment policies of the department and an evaluation
- 13 of the investments to show:
- 14 1. Investment yield and safety.
- 15 2. Secondary economic benefits to this state.
- 16 3. Secondary economic benefits to individuals
- 17 of low and moderate incomes.
- 18 4. Secondary economic benefits to areas within
- 19 the state with levels of high unemployment.
- 20 5. Secondary economic benefits to members of
- 21 the system.
- 22 6. Discernible social impacts.

23 The department shall also explore methods to
24 diversify investments, taking under consideration
25 actions taken by other public employment retirement
26 systems, in order to provide secondary benefits to
27 members of the system and to the state without
28 jeopardizing the security, liquidity, or yield of
29 the investment portfolio."

A non-record roll call was requested.

The ayes were 45, nays 50.

Amendment H—5629, to the committee amendment H—5583,
lost.

Schroeder of Pottawattamie offered the following amendment
H—5674, to amendment H—5583, filed by him from the floor and
moved its adoption:

H—5674

1 Amend amendment H—5583, to Senate File 2178,
2 as follows:
3 1. Page 15, by inserting after line 38, the
4 following:
5 "Sec. . Section 11 of this Act applies
6 only to persons who retire from the system on or
7 after the effective date of this Act."

Amendment H—5674, to the committee amendment H—5583,
was adopted.

Connors of Polk called up for consideration the motion to recon-
sider the vote by which amendment H—5614, to the committee
amendment H—5583 (to Senate File 2178), failed to be adopted by
the House on April 1, 1982, filed by him from the floor and found on
pages 1179 and 1180 of the House Journal.

Roll call was requested by Schroeder of Pottawattamie and
O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—5614 be reconsidered?"

The ayes were 53:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Clements	Cochran
Connolly	Connors	Copenhaver	Davitt
Dieleman	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hansen, I.	Hanson, D.	Horn	Howell
Jay	Jochum	Knapp	Krewson
Lind	Lloyd-Jones	Loneragan	Mann
Norland	O'Kane	Oxley	Pavich
Pelton	Poney	Rapp	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Trucano	Welsh
Woods			

The nays were, 46:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R. A.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Maulsby	McKean	Mullins	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Stromer	Stueland
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Menke)		

Absent or not voting, 1:

Walter

The motion prevailed and the House reconsidered amendment H—5614, to the committee amendment H—5583, filed by Krewson, et al.

Krewson of Polk moved the adoption of amendment H—5614, to amendment H—5583.

Roll call was requested by Schroeder of Pottawattamie and Harbor of Mills.

Rule 80 was invoked.

On the question "Shall amendment H—5614 be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Clements	Cochran
Connolly	Connors	Davitt	Dieleman
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Shull	Spear	Sturgeon
Sullivan	Swartz	Trucano	Welsh
Woods			

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Doderer
Egenes	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Mann
Maulsby	McKean	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Smalley	Smith	Stromer	Stueland
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker (Menke)		

Absent or not voting, 1:

Walter

Amendment H—5614, to the committee amendment H—5583, lost.

Swearingen of Keokuk moved the adoption of amendment H—5583, as amended.

A non-record roll call was requested.

The ayes were 55, nays 42.

The committee amendment H—5583, as amended, was adopted.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2178)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneran	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, none.

Absent or not voting, 2:

Hansen, I. Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2472 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2472 be deferred and that the bill retain its place on the calendar.

SENATE FILE 2247 SUBSTITUTED FOR HOUSE FILE 2450

Daggett of Taylor asked and received unanimous consent to substitute Senate File 2247 for House File 2450.

SENATE FILE 2247 DEFERRED

Daggett of Taylor asked and received unanimous consent that Senate File 2247 be deferred and that the bill retain its place on the calendar.

HOUSE RULE 41 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 41 requiring the clip sheet to remain open one hour after adjournment.

MOTION TO RECONSIDER
(Senate File 2178)

I move to reconsider the vote by which Senate File 2178 passed the House on April 1, 1982.

SWEARINGEN of Keokuk

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 31, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government.

K. MARIE THAYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 1st day of April, 1982: House Files 808 and 833.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 1, 1982. Had I been present, I would have voted "nay" on amendment H-5627, to the committee amendment H-5583 (to Senate File 2178).

COPENHAVER of Buchanan

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5667.

Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5666.

COMMITTEE ON COMMERCE

Senate File 525, a bill for an act relating to the deposit and investment of public funds in insured depository financial institutions.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COUNTY GOVERNMENT

Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2213, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON STATE GOVERNMENT

Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5668.

COMMITTEE ON TRANSPORTATION

Senate File 2226, a bill for an act to allow the movement of two trailers drawn by a motor truck up to a combined length of eighty feet on certain highways from the place of manufacture or assembly in the state to a retail dealer's place of business.

Fiscal Note is not required.

Committee Action: Failed to Pass.

Senate File 2291, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H—5666	S.F. 2243	Committee on Agriculture
H—5667	S.F. 2218	Committee on Agriculture
H—5668	S.F. 2215	Committee on State Government

H-5670	H.F. 2250	Senate Amendment
H-5672	S.F. 2243	Crabb of Crawford
H-5673	S.F. 2221	Cook of Hardin
H-5676	S.F. 393	Poffenberger of Dallas
		Howell of Floyd

On motion by Pope of Polk, the House adjourned at 8:47 p.m., until 9:00 a.m., Friday, April 2, 1982.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 2, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable Betty Jean Clark, State Representative from Cerro Gordo County.

The Journal of Thursday, April 1, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek, for a portion of the morning, on request of Connors of Polk.

PETITION FILED

The following petition was received and placed on file:

By Running of Linn and Swartz of Marshall, from one thousand two hundred fifty-one petitioner employees of Iowa Electric objecting to a ruling by the Iowa State Commerce Commission relating to utility service employee discounts.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2472, a bill for an act to legalize the proceedings of the Grinnell-Newberg community school district relating to the sale of certain property, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2472)

The ayes were, 82:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Bruner	Byerly
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Schneklath	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Mr. Speaker		

The nays were, none.

Absent or not voting, 18:

Avenson	Brandt	Branstad	Carl
Carpenter	Chiodo	Danker	Egenes
Halvorson, R. A.	Howell	Jay	Pelton
Rapp	Running	Smalley	Swartz
Welden	Woods		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 9:50 a.m., Speaker Stromer in the chair.

HOUSE FILE 2451 DEFERRED

Pope of Polk asked for unanimous consent that House File 2451 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Pope of Polk moved that House File 2451 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 52, nays 41.

The motion prevailed and House File 2451 was deferred.

Appropriations Calendar

Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission, with report of committee recommending amendment and passage was taken up for consideration.

Harbor of Mills offered amendment H-5419 filed by the committee on appropriations as follows:

H-5419

- 1 Amend Senate File 464 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 1, by inserting after the word
- 4 "criminal" the words "and juvenile".
- 5 2. Page 1, line 3, by inserting after the word
- 6 "criminal" the words "and juvenile".
- 7 3. Page 1, line 8, by striking the figure "6"
- 8 and inserting in lieu thereof the figure "4".
- 9 4. Page 1, line 9, by inserting after the word
- 10 "criminal" the words "and juvenile".
- 11 5. By striking page 1, line 11 through page 4,
- 12 line 26 and inserting in lieu thereof the following:
- 13 "Sec. 2. NEW SECTION. ADVISORY COUNCIL. The
- 14 criminal and juvenile justice advisory council is
- 15 created to advise the agency in the performance of
- 16 its duties and to perform other duties as required
- 17 by law. The council shall consist of eleven members.
- 18 The governor shall appoint seven members each for

19 a four year term beginning and ending as provided
20 in section 69.19 and subject to confirmation by the
21 senate as follows:

22 1. Three persons who are either a county
23 supervisor, county sheriff, a mayor, city chief of
24 police or a county attorney.

25 2. Two persons shall represent the general public
26 and shall not be employed in any law enforcement,
27 judicial, or corrections capacity.

28 3. Two persons who are knowledgeable about Iowa's
29 juvenile justice system.

30 The commissioner of the department of social
31 services, the commissioner of public safety, the
32 attorney general and the chief justice of the supreme
33 court shall each designate a person to serve on the
34 council.

35 Members of the council shall receive reimbursement
36 from the state for actual and necessary expenses
37 incurred in the performance of their official duties.
38 Public members shall also receive forty dollars per
39 diem. As used in this Act unless the context otherwise
40 requires "council" means the criminal and juvenile
41 justice advisory council created in this section.

42 Sec. 3. NEW SECTION. DUTIES OF AGENCY. The
43 agency shall act as the state criminal and juvenile
44 justice planning agency for purposes established by
45 state or federal laws and shall:

46 1. Identify issues and analyze the operation and
47 impact of present criminal and juvenile justice policy
48 and make recommendations for policy changes.

49 2. Coordinate with data resource agencies to
50 provide data and analytical information to federal,

Page 2

1 state and local governments, and assist agencies in
2 the use of criminal and juvenile justice data.

3 3. Report criminal and juvenile justice system
4 needs to the governor, the general assembly, and other
5 decision makers to improve the criminal and juvenile
6 justice system.

7 4. Provide technical assistance upon request to
8 state and local agencies.

9 5. Administer federal funds and funds appropriated
10 by the state or that are otherwise available for
11 study, research, investigation, planning and
12 implementation in the areas of criminal and juvenile
13 justice.

14 6. Make grants to cities, counties and areas
15 pursuant to applicable law.

16 Sec. 4. NEW SECTION. PLAN AND REPORT. Beginning

17 in 1984, and every five years thereafter, the agency
 18 shall develop a twenty-year criminal and juvenile
 19 justice plan for the state which shall include ten,
 20 fifteen, and twenty year goals and a comprehensive
 21 five year plan for criminal and juvenile justice
 22 programs. The five year plan shall be updated annually
 23 and each twenty year plan and annual updates of the
 24 five year plan shall be submitted to the governor
 25 and the general assembly by February 1.

26 Sec. 5. Chapter 80C and section 7A.10, Code 1981,
 27 are repealed.

28 Sec. 6. On the effective date of this Act all
 29 property, programs, grants, and other funds of the
 30 Iowa crime commission are transferred to the criminal
 31 and juvenile justice planning agency.

32 Sec. 7. Acts of the Sixty-ninth General Assembly,
 33 1981 Session, chapter 14, section 3, subsections 1,
 34 2, and 3 are amended to read as follows:

	1981-1982	1982-1983
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
37 1. IOWA CRIME COMMISSION, OR		
38 ITS SUCCESSOR AGENCY		
39 a. Criminal justice planning	\$ 234,000	\$ 260,000
40		116,350
41 b. Juvenile justice planning	\$ 37,840	\$ 48,935
42 c. Jail standards develop-		
43 ment, jail training, and technical		
44 assistance	\$ 100,000	\$
45 2. It is the intent of the general assembly that		
46 if the duties of the Iowa crime commission specified		
47 in subsection 1 of this section and for which funds		
48 are appropriated are subsequently transferred to		
49 another agency, the funds appropriated in subsection		
50 1 of this section are appropriated to the successor		

Page 3

1 agency criminal and juvenile justice planning agency
 2 to be expended only for the purposes specified in
 3 subsection 1 of this section.

4 3. If legislation creating a criminal justice
 5 improvement fund is enacted and becomes law, the
 6 appropriations in subsection 1 of this section for
 7 each year of the fiscal biennium beginning July 1,
 8 1981 and ending June 30, 1983 are void."

9 6. Amend the title page, by striking lines 1 and
 10 2, and inserting in lieu thereof the words "An Act
 11 creating a criminal and juvenile justice planning
 12 agency and a criminal and juvenile justice advisory
 13 council, prescribing".

14 7. Amend the title page, line 3 by striking the
 15 word "and".

Harbor of Mills offered the following amendment H—5611, to amendment H—5419, filed by him and moved its adoption:

H—5611

- 1 Amend amendment H—5419 to Senate File 464 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 25, the
- 5 following:
- 6 "Sec. . Section 7A.10, subsection 1, Code 1981,
- 7 is amended to read as follows:
- 8 1. There is created a juvenile victim restitution
- 9 program which shall be funded through funds
- 10 appropriated by the general assembly to the office
- 11 for planning and programming criminal and juvenile
- 12 justice planning agency. The primary purpose of the
- 13 program is to provide funds to compensate victims
- 14 for losses due to the delinquent acts of juveniles.
- 15 Sec. . The Code editor shall transfer section
- 16 7A.10 to the same chapter in which sections 1 through
- 17 4 of this Act are placed."
- 18 2. Page 2, line 26, by striking the words and
- 19 figure "and section 7A.10".
- 20 3. Page 2, line 27, by striking the word "are"
- 21 and inserting in lieu thereof the word "is".
- 22 4. By renumbering as necessary.

Amendment H—5611, to the committee amendment H—5419, was adopted.

Harbor of Mills moved the adoption of amendment H—5419, as amended.

The committee amendment H—5419, as amended, was adopted.

Pavich of Pottawattamie asked and received unanimous consent to withdraw amendment H—3739 filed by him on April 21, 1981.

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 464)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Mann	Smalley
------	---------

Absent or not voting, 4:

Anderson, R.	Brandt	Halvorson, R. A.	O'Kane
--------------	--------	------------------	--------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H—5562 filed by the committee on commerce and requested division as follows:

H-5562

- 1 Amend Senate File 2195 as passed by the Senate
- 2 as follows:

H-5562A

- 3 1. Page 1, by inserting after line 12 the
- 4 following:
- 5 "Sec. . Section 453.4, Code 1981, is amended
- 6 to read as follows:
- 7 453.4 LOCATION OF DEPOSITORIES. Deposits by the
- 8 treasurer of state shall be in banks located in this
- 9 state; by a county officer or county public hospital
- 10 officer or merged area hospital officer, in banks
- 11 located in his county or in an adjoining county within
- 12 this state; by a memorial hospital treasurer, in a
- 13 bank located within this state which shall be selected
- 14 by such memorial hospital treasurer and approved by
- 15 the memorial hospital commission; by a city treasurer
- 16 or other city financial officer, in banks or bank
- 17 offices located in the city, but in the event there
- 18 is no bank or bank office in such city then in any
- 19 other bank or bank office located in this state which
- 20 shall be selected as such depository by the city
- 21 council; by a school treasurer or by a school secretary
- 22 in a bank within this state which shall be selected
- 23 by the board of directors or the trustees of such
- 24 school district; by a township clerk in a bank located
- 25 within this state which shall be selected by such
- 26 township clerk and approved by the trustees of such
- 27 township. Provided, that deposits may be made in
- 28 banks outside of Iowa for the purpose of paying
- 29 principal and interest on bonded indebtedness of any
- 30 municipality when such deposit is made not more than
- 31 ten days before the date such principal or interest
- 32 becomes due."

H-5562B

- 33 2. Page 2, line 30, by striking the word "This"
- 34 and inserting in lieu thereof the words "With respect
- 35 to any transaction referred to in paragraph a of this
- 36 subsection, this".
- 37 3. Renumber as necessary.

Schroeder of Pottawattamie rose on a point of order that amendment H-5562A was not germane.

The Speaker ruled the point well taken and amendment H-5562A not germane.

Schnekloth of Scott offered amendment H—5658 filed by him as follows:

H—5658

1 Amend Senate File 2195 as passed by the Senate
2 as follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Sec. . Section 453.1, Code 1981, as amended
6 by Acts of the Sixty-ninth General Assembly, 1981
7 Session, chapter 148, section 1, is amended to read
8 as follows:

9 453.1 DEPOSITS IN GENERAL. All funds held in
10 the hands of the following officers or institutions
11 shall be deposited in banks first approved by the
12 appropriate governing body as indicated: For the
13 treasurer of state, by the executive council; for
14 the county treasurer, recorder, auditor, sheriff,
15 clerk of the district court, and judicial magistrate,
16 by the board of supervisors; for the city treasurer,
17 by the city council; for the county public hospital
18 or merged area hospital, by the board of hospital
19 trustees; for a memorial hospital, by the memorial
20 hospital commission; for a school corporation, by
21 the board of school directors. However, the treasurer
22 of state and the treasurer of each political
23 subdivision shall invest all funds not needed for
24 current operating expenses in time certificates of
25 deposit in banks listed as approved depositories
26 pursuant to this chapter or in investments permitted
27 by section 452.10. The list of public depositories
28 and the amounts severally deposited in the depositories
29 shall be a matter of public record. The term "bank"
30 means a bank or a private bank, as defined in section
31 524.103 person who accepts deposits which are insured
32 by the federal deposit insurance corporation, federal
33 savings and loan insurance corporation or national
34 credit union administrator."

35 2. Page 1, by inserting after line 12 the
36 following:

37 "Sec. . Chapter 454, Code 1981, is amended
38 by adding the following new section:

39 **NEW SECTION. DEFINITION OF BANKS.** For purposes
40 of this chapter the term "bank" means a person who
41 accepts deposits which are insured by the federal
42 deposit insurance corporation, federal savings and
43 loan insurance corporation or national credit union
44 administrator."

Schroeder of Pottawattamie rose on a point of order that amendment H—5658 was not germane.

The Speaker ruled the point well taken and amendment H—5658 not germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5661 filed by Schroeder and Van Maanen on March 31, 1982.

Schroeder of Pottawattamie called up for consideration amendment H—5562B and moved its adoption.

Amendment H—5562B was adopted.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2195)

The ayes were, 94:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Anderson, R.
Oxley

Halvorson, R. A.
Rapp

Johnson, J.

Krewson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILES 2203 AND 2091 DEFERRED

Pope of Polk asked and received unanimous consent that Senate Files 2203 and 2091 be deferred and that the bills retain their place on the calendar.

Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication, with report of committee recommending passage was taken up for consideration.

Norland of Worth offered amendment H—5625 filed by Groth, Norland and Poncy as follows:

H—5625

1 Amend Senate File 2146 as passed by the Senate,
2 as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 442.4, subsection 3, Code
6 1981, is amended to read as follows:

7 3. For the school year beginning July 1, ~~1980~~
8 1983, and each subsequent school year, budget
9 enrollment means the sum of the following:

10 a. ~~Twenty-five~~ Thirty percent of the basic
11 enrollment for the school year beginning July 1, 1979.

12 b. ~~Seventy-five~~ Seventy percent of the adjusted
13 enrollment computed under subsection 2, paragraph
14 "a," of this section.

15 c. Adjustments made by the state comptroller under
16 subsection 4 of this section.

17 Sec. 2. Section 442.4, subsection 4, Code 1981,
18 as amended by Acts of the Sixty-ninth General Assembly,
19 1981 Session, chapter 94, section 4, is amended to
20 read as follows:

21 4. For the school years beginning July 1, 1980,
22 July 1, 1981, and July 1, 1982, and July 1, 1983 only.

23 if an amount equal to the district cost per pupil
24 for the budget year minus the amount included in the
25 district cost per pupil for the budget year to
26 compensate for the cost of special education support
27 services for a school district times the budget enroll-
28 ment of the school district for the budget year is
29 less than one hundred four percent for the budget
30 school year beginning July 1, 1980, one hundred three
31 percent for the budget school year beginning July
32 1, 1981, and one hundred percent for the budget school
33 year years beginning July 1, 1982 and July 1, 1983,
34 times an amount equal to the district cost per pupil
35 for the base year minus the amount included in the
36 district cost per pupil for the base year to compensate
37 for the cost of special education support services
38 for a school district times the adjusted enrollment
39 of the school district for the base year beginning
40 July 1, 1979 or times the budget enrollment of the
41 school district for the base year beginning July 1,
42 1980, or July 1, 1981 thereafter, the state comptroller
43 shall increase the budget enrollment for the school
44 district for the budget year to a number which will
45 provide that one hundred four percent amount for the
46 budget school year beginning July 1, 1980, that one
47 hundred three percent amount for the budget school
48 year beginning July 1, 1981, and that one hundred
49 percent amount for the budget school year years
50 beginning July 1, 1982 and July 1, 1983.

Page 2

1 Sec. 3. Section 442.8, unnumbered paragraph 2,
2 Code 1981, is amended to read as follows:
3 However, for the budget years beginning July 1,
4 1980, July 1, 1982, and July 1, 1983, the state cost
5 per pupil shall equal the base year's state cost per
6 pupil plus the allowable growth for the budget year
7 plus an adjustment to the state cost per pupil. For
8 the budget years beginning July 1, 1980, July 1, 1982,
9 and July 1, 1983, the adjustment to the state cost
10 per pupil is twenty dollars per pupil, seven dollars
11 per pupil, and eight thirteen dollars per pupil,
12 respectively.

13 Sec. 4. Section 442.9, subsection 1, paragraph
14 a, Code 1981, is amended to read as follows:
15 a. As used in this chapter, "district cost per
16 pupil" for the school year beginning July 1, 1975,
17 and subsequent school years means district cost per
18 pupil in weighted enrollment. The district cost per
19 pupil for the budget year is equal to the district
20 cost per pupil for the base year plus the allowable

21 growth, except as otherwise provided in this section.
22 For the budget year commencing July 1, 1983, the
23 district cost per pupil is equal to the district cost
24 per pupil for the base year plus the allowable growth
25 plus five dollars. However, district cost per pupil
26 does not include additional allowable growth added
27 for programs for gifted and talented children under
28 this chapter and does not include additional allowable
29 growth established by the school budget review
30 committee for a single school year only.

31 Sec. 5. There is appropriated to the state
32 comptroller from the general fund of the state for
33 the fiscal year commencing July 1, 1982 and ending
34 June 30, 1983 the sum of three million three hundred
35 thousand (3,300,000) dollars, or so much thereof as
36 is necessary, to pay to each school district in this
37 state an amount equal to five dollars multiplied by
38 the district's budget enrollment for school year
39 commencing July 1, 1982. Payments shall be made by
40 the state comptroller at the time payments are made
41 to school districts under section 442.26. Payments
42 received by a school district under this section are
43 miscellaneous income."

Ritsema of Sioux rose on a point of order that amendment H-5625 was not germane.

The Speaker ruled the point well taken and amendment H-5625 not germane.

Groth of Buena Vista moved that the rules be suspended to consider and adopt amendment H-5625.

Roll call was requested by Groth of Buena Vista and Norland of Worth.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider and adopt amendment H-5625?"

The ayes were, 44:

Anderson, R.
Binneboese
Carl
Connors
Doderer

Arnould
Brandt
Chiodo
Copenhaver
Fey

Avenson
Bruner
Cochran
Davitt
Gettings

Baxter
Byerly
Connolly
Dieleman
Groth

Hall	Halvorson, R.N.	Horn	Howell
Jay	Jochum	Knapp	Lloyd-Jones
Loneragan	Norland	O'Kane	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 3:

Halvorson, R. A.	Oxley	Pelton
------------------	-------	--------

The motion lost.

SPECIAL PRESENTATION

Pope of Polk presented to the House sixteen members of the U.S.S.R. National Wrestling Team from the Soviet Union. They were accompanied by their coach Ivan Yaragin and Margaret MacPherson and are on a tour of the United States. The House rose with a warm welcome.

Lind of Black Hawk offered amendment H—5649 filed by him as follows:

H—5649

- 1 Amend Senate File 2146, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "Sec. . Chapter 442, Code 1981, is amended
- 6 by adding the following new section:

7 NEW SECTION. A person in this state shall not
8 be excluded from participation in, be denied the
9 benefits of, or be subjected to discrimination on
10 the ground of race, color, ancestry, national origin,
11 religion, or sex under any program or activity
12 receiving funds under this chapter."

Daggett of Taylor rose on a point of order that amendment H-5649 was not germane.

The Speaker ruled the point well taken and amendment H-5649 not germane.

Lind of Black Hawk offered amendment H-5650 filed by him as follows:

H-5650

1 Amend Senate File 2146, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 10 the
4 following:
5 "Sec. . Chapter 442, Code 1981, is amended
6 by adding the following new section:
7 NEW SECTION. DISCRIMINATION. Funds appropriated
8 by this chapter shall not be transmitted to any
9 educational institution, directly or indirectly, if
10 the institution practices exclusion from participation
11 or discrimination on the basis of race, color,
12 ancestry, national origin, religion, or sex."

Daggett of Taylor rose on a point of order that amendment H-5650 was not germane.

The Speaker ruled the point well taken and amendment H-5650 not germane.

Anderson of Jasper moved to suspend the rules to adopt amendment H-5649.

A non-record roll call was requested.

The ayes were 46, nays 46.

The motion lost.

SENATE FILE 2146 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2146 be temporarily deferred and that the bill retain its place on the calendar.

IMMEDIATE MESSAGE (House File 2472)

Pope of Polk asked and received unanimous consent to immediately message House File 2472 to the Senate.

The House resumed consideration of **Senate File 2146**, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2146)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 2:

Clements

Welden

Absent or not voting, 2:

Oxley

Smalley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RESOLUTION 106

By Davitt, Sullivan, Gettings, Howell, Swartz, Lloyd-Jones, Cochran, Connolly, Welsh, O'Kane, Oxley, Knapp, Pavich, Fey, Poncy, Running, Renaud, Dieleman, Halvorson of Webster, Norland, Rosenberg, Spear, Hall, Avenson, Binneboese, Carl, Baxter, Copenhaver, Jay, Anderson of Jasper, Loneragan, Doderer, Woods, Chiodo, Horn, Walter, Bruner, Groth, Brandt, Jochum, Arnould, Rapp, Sturgeon, Connors and Byerly

1 *Whereas*, current carryovers of grain are near record
2 levels; and

3 *Whereas*, the government facility loan program has
4 been cancelled by the administration; and

5 *Whereas*, many farmers don't have adequate storage to
6 participate in the commodity loan and reserve program;
7 and

8 *Whereas*, current cash flow problems and high interest
9 rates make borrowing from other sources next to
10 impossible, and

11 *Whereas*, farm programs have not been effective in
12 controlling production; and

13 *Whereas*, Iowa and other midwestern farmers have
14 experienced an unusual amount of drought and other natural
15 disasters; and

16 *Whereas*, high interest rates have reduced the already
17 low net farm income; and

18 *Whereas*, many farmers are being forced out of business
19 or are being threatened with foreclosure; and

20 *Whereas*, current farm prices and net income are at the
21 level of the depression in the 1930s; and

22 *Whereas*, farm exports are currently being sold at
23 prices below the cost of production; *Now Therefore*,

24 *Be It Resolved by the House of Representatives*, That
25 the federal government is requested to make maximum efforts
26 to increase exports; to strengthen the set aside program,
27 to raise price supports and to improve soil conservation;
28 and

29 *Be It Further Resolved*, That the facility loan program
30 should be reinstated at an affordable interest rate; and

Page 2

- 1 *Be It Further Resolved*, That a moratorium should be
- 2 placed on farm sales forced by actions of government
- 3 lending agencies until the price of farm produce rises
- 4 to profitable levels; and
- 5 *Be It Further Resolved*, That copies of this resolu-
- 6 tion be forwarded to the United States Secretary of
- 7 Agriculture John Block, and members of the Iowa
- 8 congressional delegation.

Laid over under Rule 30.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 31, 1982 and is on file in the office of the Chief Clerk:

March 31, 1982

Mrs. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 7 claims of a general nature. This supplements our filing of December 22, 1981.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
Maurice E. Baringer
Chairman
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

OFFICE STATE COMPTROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
10293-69-25	Humboldt County Treasurer Dakota City Reimbursement of claims through Juvenile Justice Program	\$21,053.20	Disapproved
10428-69-25	Valley Vue Nursing Home Armstrong Title XIX	235.29	Disapproved
10572-69-25	Allen Memorial Hospital Waterloo Title XIX	18.00	Disapproved
10573-69-25	Allen Memorial Hospital Waterloo Title XIX	23.10	Disapproved
10575-69-25	Allen Memorial Hospital Waterloo Title XIX	33.50	Disapproved
10596-69-25	Allen Memorial Hospital Waterloo Title XIX	23.10	Disapproved
038-70-25	Allen Memorial Hospital Waterloo Title XIX	205.32	Disapproved

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 2, 1982. Had I been present, I would have voted "aye" on House File 2472.

CARL OF POWESHIEK

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty sixth grade students from Sunset Heights and Pleasant View Schools, Webster City, accompanied by Joseph J. Malek and Gary Moenck. By Egenes of Story.

Twenty-eight eighth grade students from Mar-Mac Middle School, McGregor and Marquette, accompanied by Mr. Vick and Mr. Elliott. By Halvorson of Clayton.

SUBCOMMITTEE ASSIGNMENTS

Senate File 525

Commerce: Schroeder, Chair; Johnson of Linn and Chiodo.

Senate File 2218

Agriculture: Bennett, Chair; McKean, Cook, Dieleman and Cochran.

Senate File 2233

Judiciary and Law Enforcement: Poffenberger, Chair; Johnson of Howard, Sturgeon, Rapp and Gross.

Senate File 2243

Agriculture: Anderson of Audubon, Chair; De Groot and Knapp.

Senate File 2280

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Conlon, Rapp, Smalley and Welsh.

Senate File 2286

Agriculture: Stueland, Chair; Hummel and Sullivan.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2287, a bill for an act to limit the application of the importation and inspection regulations of the Iowa crop pest Act to persons in the business of selling or transporting plants and plant products.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2290, a bill for an act requiring licensed grain dealers to keep records of all purchased grain containing confetti or other markings.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5683.

COMMITTEE ON APPROPRIATIONS

Committee Bill, appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5687.

Senate File 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

Fiscal Note is not required.

Without Committee Recommendation.

Senate File 2280, a bill for an act relating to restitution by public offenders.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5678.

COMMITTEE ON TRANSPORTATION

Senate File 2226 (Reconsidered), a bill for an act to allow the movement of 2 trailers drawn by a motor truck up to a combined length of 80 feet on certain highways

from the place of manufacture or assembly in the state to a retail dealer's place of business.

Fiscal Note is not required.

Committee Action: **Reconsidered and Passed.**

Senate File 2264, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

Fiscal Note is not required.

Recommended Do Pass.

AMENDMENTS FILED

H-5677	S.F. 2221	Schroeder of Pottawattamie
H-5678	S.F. 2280	Committee on Judiciary and Law Enforcement
H-5679	H.F. 2250	Johnson of Woodbury
H-5680	S.F. 2203	Renaud of Polk
		Maulsby of Calhoun
H-5681	S.F. 2203	Renaud of Polk
		Anderson of Jasper
H-5682	S.F. 2203	Renaud of Polk
		Anderson of Jasper
H-5683	S.F. 2290	Committee on Agriculture
H-5685	S.F. 2245	Swartz of Marshall
H-5686	S.F. 2281	Swartz of Marshall
H-5687	S.F. 268	Committee on Judiciary and Law Enforcement
H-5688	S.F. 2218	Cochran of Webster
		Stueland of Clinton
		Diemer of Black Hawk
		Lloyd-Jones of Johnson
		Hall of Linn
		Branstad of Winnebago
		Rosenberg of Story
		Dieleman of Marion
H-5689	S.F. 2091	Norland of Worth
		Harbor of Mills
H-5690	S.F. 393	Lind of Black Hawk
H-5691	S.F. 2221	Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 11:32 a.m., until 10:00 a.m., Monday, April 5, 1982.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day—Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 5, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable Frank Crabb, State Representative from Crawford County.

The Journal of Friday, April 2, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald E. Boldt, Ackley.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Loneragan of Boone on request of Crabb of Crawford; Mann of Greene, for a portion of the day, on request of Swearingen of Keokuk; Egenes of Story, for a portion of the day, on request of Halvorson of Clayton; Pelton of Clinton, for a portion of the day, on request of Johnson of Woodbury; Trucano of Polk, for a portion of the day, on request of Swearingen of Keokuk; Ritsema of Sioux, for a portion of the day, on request of Tofte of Winneshiek; Running of Linn, Chiodo of Polk, Poncy of Wapello, Woods of Polk, all for a portion of the day, on request of Horn of Linn; Smalley of Polk, for a portion of the day, on request of Johnson of Howard; McKean of Jones, for a portion of the day, on request of Mullins of Kossuth; Swartz of Marshall, for a portion of the day, on request of Halvorson of Webster; Sullivan of Van Buren, for a portion of the day, on request of Halvorson of Webster; Jay of Appanoose, for a portion of the day, on request of Halvorson of Webster.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-nine members present, forty-one absent.

The House recessed at 10:10 a.m., until 11:00 a.m.

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 seventy-three members present, twenty-seven members absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk, for April 5 and 6, 1982, on request of Running of Linn; Binneboese of Plymouth and Sturgeon of Woodbury, for a portion of the morning, on request of Howell of Floyd.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental affairs.

K. MARIE THAYER, Secretary

HOUSE FILE 2451 AND SENATE FILES 2203, 2091 AND 2202 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2451 and Senate Files 2203, 2091 and 2202 be deferred and that the bills retain their place on the calendar.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, with report of committee recommending amendment and passage was taken up for consideration.

Gross of Ringgold offered the following amendment H-5524 filed by the committee on human resources:

H—5524

- 1 Amend Senate File 2245, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 9 the following:
- 4 "Sec. 2. Section 125.14, Code 1981, is amended
- 5 to read as follows:
- 6 125.14 LICENSES — RENEWAL — FEES. The commission
- 7 shall meet to consider all cases involving issuance,
- 8 denial, suspension, or revocation of a license. Upon
- 9 approval of an application for licensing by the
- 10 commission, a license shall be issued by the
- 11 department. Licenses shall expire one year from the
- 12 date of issuance and shall be renewed upon timely
- 13 application made in the same manner as for original
- 14 issuance of a license unless notice of nonrenewal
- 15 is given to the licensee at least thirty days prior
- 16 to the expiration of the license. The department
- 17 shall not charge a fee for licensing or renewal."
- 18 2. Page 1, by striking lines 10 through 12.
- 19 3. Title page, by striking lines 2 through 4,
- 20 and inserting in lieu thereof the words "abuse, and
- 21 providing for four types of licenses."
- 22 4. By renumbering as necessary.

Gross of Ringgold offered amendment H—5654, to the committee amendment H—5524, filed by Gross, et al., as follows:

H—5654

- 1 Amend the amendment, H—5524, to Senate File 2245,
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 22 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by inserting after line 9 the
- 6 following:
- 7 "Sec. 2. Section 125.13, subsection 2, Code 1981,
- 8 as amended by Acts of the Sixty-ninth General Assembly,
- 9 1981 Session, chapter 58, sections 4 through 7, is
- 10 amended by adding the following new lettered paragraph:
- 11 **NEW LETTERED PARAGRAPH.** Programs which are financed
- 12 and managed by a county or counties, are staffed by
- 13 county employees, and do not receive state payments
- 14 pursuant to a contract under section 125.44."
- 15 2. Title page, line 2, by inserting after the
- 16 word "program" the word "not".
- 17 3. Title page, line 3, by inserting after the
- 18 word "department," the words "exempting county-financed
- 19 programs which do not receive state funds from
- 20 licensing."
- 21 4. By renumbering as necessary."

Poffenberger of Dallas asked for unanimous consent to amend amendment H—5654 by adding the word "totally" after the word "which" on line 11.

Objection was raised.

Gross of Ringgold moved the adoption of amendment H—5654, to amendment H—5524.

A non-record roll call was requested.

The ayes were 56, nays 22.

Amendment H—5654, to the committee amendment H—5524, was adopted.

Gross of Ringgold moved the adoption of amendment H—5524, as amended.

The committee amendment H—5524, as amended, was adopted.

Gross of Ringgold offered amendment H—5685 filed by Swartz of Marshall as follows:

H—5685

- 1 Amend Senate File 2245, as follows:
- 2 1. Page 1, by striking lines 10 through 12.

Gross of Ringgold rose on a point of order that amendment H—5685 was not in order.

The Speaker ruled the point not well taken and amendment H—5685 in order.

Gross of Ringgold moved the adoption of amendment H—5685.

Amendment H—5685 was adopted.

Welden of Hardin offered the following amendment H—5568 filed by him and moved its adoption:

H—5568

- 1 Amend Senate File 2245 as follows:

- 2 1. Page 1, lines 17 and 18, by striking the words
- 3 "continuing the administration" and inserting in lieu
- 4 thereof the words "improving the supervision".

Amendment H—5568 was adopted.

Spear of Lee offered the following amendment H—5592 filed by him and moved its adoption:

H—5592

- 1 Amend Senate File 2245 as follows:
- 2 1. Page 1, line 25, by striking the word "minimize"
- 3 and inserting in lieu thereof the words "to eliminate".

Amendment H—5592 was adopted.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2245)

The ayes were, 88:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Mr. Speaker

The nays were, none.

Absent or not voting, 12:

Anderson, R.
Egenes
Sullivan

Brandt
Lonergan
Swartz

Byerly
Pelton
Walter

Carl
Ritsema
Woods

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House resumed consideration of **Senate File 2221**, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties.

Cook of Hardin moved to reconsider the vote by which amendment H-5536 was adopted on March 30, 1982.

The motion prevailed and the House reconsidered the committee amendment H-5536, found on pages 1103 and 1104 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5677, to amendment H-5536, filed by him on April 2, 1982.

Schroeder of Pottawattamie offered amendment H-5691, to the committee amendment H-5536, filed by him as follows:

H-5691

- 1 Amend House Amendment H-5536 to Senate File 2221
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 29 and
- 5 inserting in lieu thereof the following:
- 6 "1. Page 1, by striking lines 15 and 16 and
- 7 inserting in lieu thereof the following:
- 8 "4. "Weed seed" means the seed of all plants
- 9 listed as weeds in this chapter or listed as weeds
- 10 in the rules of the department."
- 11 2. Page 1, line 28, by inserting after the word
- 12 "practices." the following: "For the purpose of this
- 13 chapter and the sale of seed, primary noxious weeds
- 14 in this state are the seeds of:
- 15 (1) Quack grass—*Agropyron repens* (L.) Beauv.
- 16 (2) Canada thistle—*Cirsium arvense* (L.) Scop.

- 17 (3) Perennial sow thistle—*Sonchus arvensis* L.
18 (4) Perennial pepper grass (hoary cress)—*Cardaria*
19 *draba* (L.) Desv.
20 (5) European morning-glory (field bindweed)—
21 *Convolvulus arvensis* L.
22 (6) Horse nettle—*Solanum carolinense* L.
23 (7) Leafy spurge—*Euphorbia esula* L.
24 (8) Russian knapweed—*Centaurea repens* L."
25 3. Page 1, line 31, by inserting after the word
26 "practices." the following: "For the purpose of this
27 chapter and the sale of seed, the secondary noxious
28 weed seeds in this state are the seeds of:
29 (1) Wild carrot—*Daucus carota* L.
30 (2) Sour dock (curly dock)—*Rumex crispus* L.
31 (3) Smooth dock—*Rumex altissimus* Wood.
32 (4) Sheep sorrel (red sorrel)—*Rumex acetosella*
33 L.
34 (5) Butterprint (velvet leaf)—*Abutilon theophrasti*
35 Medic.
36 (6) Mustards—*Brassica juncea* (L.) Coss., *Sinapis*
37 *arvensis* L. and *B. nigra* (L.) Koch.
38 (7) Cocklebur—*Xanthium strumarium* L.
39 (8) Buckhorn—*Plantago lanceolata* L.
40 (9) Dodders—*Cuscuta* species.
41 (10) Giant foxtail—*Setaria faberii* Herrm.
42 (11) Poison hemlock—*Conium maculatum*.
43 (12) Wild sunflower—Wild strain of *Helianthus*
44 *annus* (L.)
45 (13) Puncture vine—*Tribulus terrestris*."
46 4. Page 8, line 18, by striking the word "are"
47 and inserting in lieu thereof the word "is".
48 5. Page 13, line 33, by inserting after the word
49 "selling" the words "or advertising".

SENATE FILE 2221 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2221 be deferred and that the bill be placed on the unfinished business calendar.

(Senate File 2221 and amendment H—5691, to the committee amendment H—5536, pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:05 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILL

House File 2477, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

Read first time and placed on the **appropriations calendar**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2109, a bill for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

K. MARIE THAYER, Secretary

SENATE FILE 2240 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2240 be deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carl of Poweshiek on request of Cook of Hardin; Anderson of Jasper, for a portion of the day, on request of Connors of Polk.

RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend Rule 39 to place Senate File 268 on the Weekly Debate Calendar.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 482, a bill for an act providing for compensation to owners of advertising devices and lessors of property upon which advertising devices are located when the advertising device is removed or taken by the state or a political subdivision of the state, with report of committee recommending passage was taken up for consideration.

O'Kane of Woodbury offered the following amendment H—5541 filed by him and moved its adoption:

H—5541

- 1 Amend Senate File 482, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 3, by striking the word "Before"
- 4 and inserting in lieu thereof the word "If".
- 5 2. Page 1, line 4, by striking the words "or
- 6 taken".

A non-record roll call was requested.

The ayes were 34, nays 49.

Amendment H—5541 lost.

O'Kane of Woodbury offered amendment H—5566 filed by him as follows:

H—5566

- 1 Amend Senate File 482, as follows:
- 2 1. Page 1, line 7, by inserting after the
- 3 figure "472." the following: "For the purpose of
- 4 chapter 472, the advertising device and any leased
- 5 property occupied by the device is considered
- 6 nonagricultural property."

Schnekloth of Scott rose on a point of order that amendment H—5566 was not germane.

The Speaker ruled the point not well taken and amendment H—5566 germane.

O'Kane of Woodbury moved the adoption of amendment H—5566.

Amendment H—5566 lost.

Lloyd-Jones of Johnson offered the following amendment H—5205 filed by her and moved its adoption:

H—5205

- 1 Amend Senate File 482, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 7, by striking the word "not".
- 4 2. Page 1, line 11, by striking the word "full"
- 5 and inserting in lieu thereof the word "current".

Roll call was requested by Lloyd-Jones of Johnson and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—5205 be adopted?"

The ayes were, 52:

Arnould	Avenson	Baxter	Binneboese
Brandt	Bruner	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Connors	Copenhaver	Corey	Davitt
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Howell	Jay	Jochum
Knapp	Lageschulte	Lloyd-Jones	Mann
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Poffenberger	Poncy	Pope	Rapp
Rosenberg	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Mr. Speaker

The nays were, 42:

Anderson, J.	Bennett	Branstad	Clements
Conlon	Cook	Crabb	Daggett
Danker	De Groot	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lind
Maulsby	Patrick	Renaud	Renken

Ritsema
Shull
Trucano
Welsh

Running
Smalley
Tyrrell
Woods

Schnekloth
Swearingen
Van Maanen

Schroeder
Tofte
Welden

Absent or not voting, 6:

Anderson, R.
Pelton

Byerly
Walter

Carl

Lonergan

Amendment H—5205 was adopted.

O'Kane of Woodbury asked and received unanimous consent to withdraw amendment H—5664 filed by him on March 31, 1982.

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H—5213 filed by her on February 22, 1982.

Lloyd-Jones of Johnson offered the following amendment H—5259 filed by her and moved its adoption:

H—5259

- 1 Amend Senate File 482 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "device," the following: "Compensation shall not
- 4 be paid to the owner of the advertising device for
- 5 loss of present or future profits due to the removal
- 6 of the device."

A non-record roll call was requested.

The ayes were 43, nays 47.

Amendment H—5259 lost.

Lloyd-Jones of Johnson offered the following amendment H—5217 filed by her and moved its adoption:

H—5217

- 1 Amend Senate File 482, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 22, by inserting after the period
- 4 the words "This section shall not apply to any
- 5 advertising device upon which the amortization period
- 6 permitted by law, ordinance, or rule has expired."

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—5217 lost.

Schnekloth of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 482)

The ayes were, 49:

Bennett	Branstad	Clark, J. H.	Clements
Cochran	Conlon	Cook	Crabb
Daggett	Danker	De Groot	Diemer
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
Menke	Pavich	Pellet	Petrick
Poncy	Renaud	Renken	Ritsema
Running	Schnekloth	Schroeder	Shull
Smalley	Stueland	Swearingen	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carpenter
Chiodo	Clark, B. J.	Connolly	Connors
Copenhaver	Corey	Davitt	Dieleman
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Howell
Hummel	Jay	Jochum	Knapp
Lloyd-Jones	McKean	Mullins	Norland
O'Kane	Oxley	Pelton	Poffenberger
Pope	Rapp	Rosenberg	Smith
Spear	Sturgeon	Sullivan	Swartz
Tofte	Trucano		

Absent or not voting, 5:

Anderson, J.	Byerly	Carl	Lonergan
Walter			

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

Senate File 2281, a bill for an act relating to the contract price for construction of a public improvement which requires a bond, with report of committee recommending passage was taken up for consideration.

Swartz of Marshall offered the following amendment H—5686 filed by him and moved its adoption:

H—5686

- 1 Amend Senate File 2281 as follows:
- 2 1. Page 1, line 5, by striking the word "twenty-five"
- 3 and inserting in lieu thereof the word "ten".

A non-record roll call was requested.

The ayes were 47, nays 47.

Amendment H—5686 lost.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2281)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	McKean	Menke	Mullins
Norland	O'Kane	Pavich	Pellett

Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welsh	Woods
Mr. Speaker			

The nays were, 10:

Howell	Knapp	Mann	Maulsby
Oxley	Pelton	Ritsema	Smalley
Swartz	Welden		

Absent or not voting, 5:

Byerly	Carl	Doderer	Loneragan
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2242, a bill for an act relating to a life insurance company's investment of funds for legal reserve purposes, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2242)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Krewson

Lageschulte	Lloyd-Jones	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

Knapp	Pelton
-------	--------

Absent or not voting, 5:

Byerly	Carl	Lind	Loneragan
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2172, a bill for an act relating to the electronic transfer of funds, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2172)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.

Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Mr. Speaker	

The nays were, 1:

Woods

Absent or not voting, 4:

Byerly

Carl

Carpenter

Lonergan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 3:50 p.m.

Maulsby of Calhoun offered amendment H—5531 filed by him as follows:

H—5531

- 1 Amend Senate File 2203 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 12 through 14 and
- 4 inserting in lieu thereof the words "by constructing
- 5 a freestanding recreation building with a visiting
- 6 area and two classrooms, by expanding and improving
- 7 electrical systems, and by reconstructing detention
- 8 cells."
- 9 2. Page 1, by striking lines 18 and 19 and
- 10 inserting in lieu thereof the words "training school."

The House stood at ease at 4:01 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—5531, to Senate File 2203, at 4:41 p.m., Speaker pro tempore Menke of O'Brien in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

Speaker Stromer in the chair at 5:22 p.m.

HOUSE RULE 2 SUSPENDED

Pope of Polk asked for unanimous consent to suspend House Rule 2, to continue session beyond 6:00 p.m.

Objection was raised.

Pope of Polk moved to suspend House Rule 2.

A non-record roll call was requested.

The ayes were 54, nays 39.

The motion prevailed and House Rule 2 was suspended.

Maulsby of Calhoun moved the adoption of amendment H—5531.

Roll call was requested by Maulsby of Calhoun and Lageschulte of Bremer.

On the question "Shall amendment H—5531 be adopted?"

The ayes were, 38:

Anderson, J.
Cochran
Daggett
Groth
Holt

Bennett
Cook
Danker
Halvorson, R. N.
Horn

Branstad
Corey
De Groot
Hansen, I.
Johnson, J.

Clements
Crabb
Gross
Harbor
Johnson, R.

Johnson, W.	Lageschulte	Lind	Mann
Maulsby	Menke	Oxley	Pellett
Petrick	Renken	Schnekloth	Shull
Spear	Stueland	Sturgeon	Tyrrell
Van Maanen	Welden		

The nays were, 59:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Conlon
Connolly	Connors	Copenhaver	Davitt
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Hall	Halvorson, R. A.
Hanson, D.	Hoffmann-Bright	Howell	Hummel
Jay	Jochum	Knapp	Krewson
Lloyd-Jones	McKean	Mullins	Norland
O'Kane	Pavich	Pelton	Poffenberger
Poney	Pope	Rapp	Renaud
Ritsema	Rosenberg	Running	Schroeder
Smalley	Smith	Sullivan	Swartz
Swearingen	Tofte	Trucano	Walter
Welsh	Woods	Mr. Speaker	

Absent or not voting, 3:

Byerly	Carl	Lonergan
--------	------	----------

Amendment H—5531 lost.

Maulsby of Calhoun offered the following amendment H—5533 filed by him and moved its adoption:

H—5533

- 1 Amend Senate File 2203, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "The perimeter security fence to be constructed
- 6 at the Rockwell City campus with funds appropriated
- 7 under this section shall enclose all residential,
- 8 recreational, educational, and industrial buildings
- 9 and areas located on or at the Rockwell City campus
- 10 which are accessible to the general population of
- 11 the medium security men's correctional facility."

Amendment H—5533 was adopted.

Renaud of Polk offered amendment H—5681 filed by him as follows:

H—5681

- 1 Amend Senate File 2203, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 19, by inserting after the word
- 4 "campus" the words "and to install a perimeter security
- 5 fence to enclose all buildings and areas located on
- 6 or at the Mitchellville campus which will be accessible
- 7 to the general population of the women's reformatory".

Renaud of Polk offered the following amendment H—5693, to amendment H—5681, filed by him from the floor and moved its adoption:

H—5693

- 1 Amend amendment H—5681 to Senate File 2203, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting in lieu thereof the following: " "campus"
- 5 the words "and to install a non-climbable, six-foot
- 6 high, chain link steel fence along the entire east
- 7 property line of the campus, and along both the north
- 8 and south property lines of the campus, extending
- 9 at least one hundred yards in a westerly direction
- 10 from the east property line. Gates shall be installed
- 11 at points of entrance where necessary. Security
- 12 fences may be installed where necessary " "

A non-record roll call was requested.

The ayes were 47, nays 44.

Amendment H—5693, to amendment H—5681, was adopted.

Renaud of Polk moved the adoption of amendment H—5681, as amended.

Roll call was requested by Anderson of Jasper and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H-5681, as amended, be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Chiodo	Clements	Cochran
Connolly	Connors	Copenhaver	Davitt
Dieleman	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Horn	Howell	Jay	Jochum
Knapp	Lageschulte	Lind	Mann
Maulsby	O'Kane	Oxley	Pavich
Poney	Rapp	Renaud	Rosenberg
Running	Schnekloth	Spear	Sturgeon
Sullivan	Swartz	Tyrrell	Walter
Welsh	Woods		

The nays were, 49:

Anderson, J.	Bennett	Brandt	Branstad
Bruner	Carpenter	Clark, B. J.	Clark, J. H.
Conlon	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lloyd-Jones
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schroeder	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 5:

Byerly	Carl	Egenes	Lonergan
Norland			

Amendment H-5681, as amended, lost.

Renaud of Polk offered amendment H-5682 filed by him as follows:

H-5682

- 1 Amend Senate File 2203, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 19 the

4 following:

5 "In establishing a women's reformatory at the
6 Mitchellville campus the department of social services
7 shall rehire those former employees with seniority
8 rights."

Renaud of Polk offered the following amendment H-5694, to amendment H-5682, filed by him from the floor and moved its adoption:

H-5694

1 Amend amendment H-5682 to Senate File 2203, as
2 passed by the Senate, as follows:
3 1. Page 1, line 8, by inserting after the word
4 "rights" the words "in a like job capacity in which
5 the employees formerly worked at the Mitchellville
6 campus".

Amendment H-5694 was adopted.

Renaud of Polk moved the adoption of amendment H-5682, as amended.

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-5682, as amended, lost.

Spear of Lee offered the following amendment H-5631 filed by him and moved its adoption:

H-5631

1 Amend Senate File 2203, as passed by the Senate,
2 as follows:
3 1. Page 1, by striking lines 33 and 34 and
4 inserting in lieu thereof the words "shall not
5 be used, except in the case of an emergency, after occu".

A non-record roll call was requested.

The ayes were 59, nays 20.

Amendment H-5631 was adopted.

Lloyd-Jones of Johnson offered the following amendment H-5544 filed by her and Pelton of Clinton and moved its adoption:

H-5544

- 1 Amend Senate File 2203 as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, by inserting after line 6 the following:
- 4 "The building design shall take maximum advantage
- 5 of cost-effective passive and active solar technology.
- 6 The building shall have a design energy budget not
- 7 to exceed 75,000 BTU's per square foot per year total
- 8 for all energy sources. The method of analysis used
- 9 to determine whether or not the proposed building
- 10 will meet the design energy budget shall be determined
- 11 by the energy policy council."

Amendment H-5544 lost.

Renaud of Polk offered the following amendment H-5680 filed by him and moved its adoption:

H-5680

- 1 Amend Senate File 2203, as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 9, by inserting after the word
- 4 "Iowa," the words "in The Altoona Herald-Mitchellville
- 5 Index, a newspaper published in Altoona, Iowa, in
- 6 The Advocate-Enterprise-Index-Reporter, a newspaper
- 7 published in Rockwell City, Iowa,".

Amendment H-5680 was adopted.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2203)

The ayes were, 67:

Anderson, R.
Binneboese
Chiodo
Connors
Diemer

Arnould
Brandt
Clark, B. J.
Copenhaver
Doderer

Avenson
Bruner
Clark, J. H.
Davitt
Fey

Baxter
Carpenter
Connolly
Dieleman
Gettings

Hall	Halvorson, R. A.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, W.
Knapp	Krewson	Lageschulte	Lloyd-Jones
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pelton
Poffenberger	Poncy	Pope	Rapp
Renaud	Ritsema	Rosenberg	Running
Schroeder	Shull	Smalley	Smith
Spear	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 27:

Anderson, J.	Bennett	Branstad	Clements
Cochran	Cook	Corey	Crabb
Daggett	Danker	De Groot	Gross
Groth	Halvorson, R. N.	Harbor	Johnson, J.
Lind	Mann	Maulsby	Pellett
Petrick	Renken	Schnekloth	Stueland
Tyrrell	Van Maanen	Welden	

Absent or not voting, 6:

Byerly	Carl	Conlon	Egenes
Johnson, R.	Lonergan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(Senate File 2146)

I move to reconsider the vote by which Senate File 2146 passed the House on April 2, 1982.

DAGGETT of Taylor

(Senate File 482)

I move to reconsider the vote by which Senate File 482 failed to pass the House on April 5, 1982.

TRUCANO of Polk

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 5, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 808, an act relating to the registration of motor vehicles, with a December 1, 1983 effective date.

House File 833, an act changing the beginning and ending dates of the Vietnam conflict for purposes of the military service property tax exemption.

Senate File 400, an act providing for the taxation of a lump sum distribution of an individual, estate or trust who has elected to have the distribution separately taxed under the Internal Revenue Code of 1954 and providing for a retroactive effective date.

Senate File 2068, an act relating to payment of expenses by boards of directors of merged areas.

Senate File 2077, an act relating to the auditing of claims by a board of directors of a merged area.

Senate File 2223, an act relating to the designation of attorneys employed to assist a fiduciary of an estate.

Senate File 2250, an act relating to the manner of publication of various court rules in the code or a supplement to the code and the manner of citing the code or a supplement to the code or the acts.

PRESENTATION OF VISITORS

Danker of Pottawattamie presented to the House, Angela Degen and Peter Siegert of West Berlin, members of the Friendship Force.

Davitt of Warren presented to the House, Mrs. Rita Benzel, Moni and Ricci, of West Berlin, members of the Friendship Force.

The Speaker announced that the following visitors were present in the House chamber on Friday, April 2, 1982:

Nineteen students from Ocheyedan Christian School and Sibley Christian School of Ocheyedan and Sibley, accompanied by Duane Starkenburg and Dan Westra. By Hansen of O'Brien.

AMENDMENTS FILED

H-5692

H.F. 2357

Senate Amendment

H-5696

S.F. 2213

Schroeder of Pottawattamie

H-5697	S.F. 2212	Schroeder of Pottawattamie Danker of Pottawattamie Harbor of Mills Woods of Polk Chiodo of Polk Johnson of Linn
H-5698	S.F. 2218	Schnekloth of Scott Arnould of Scott Johnson of Linn Hall of Linn Johnson of Woodbury Fey of Scott Trucano of Polk Conlon of Muscatine Diemer of Black Hawk
H-5699	S.F. 2280	Spear of Lee
H-5700	S.F. 2277	Lind of Black Hawk
H-5701	S.F. 2233	Poffenberger of Dallas
H-5702	S.F. 2280	Spear of Lee
H-5703	S.F. 2233	Poffenberger of Dallas Gross of Ringgold Johnson of Howard Conlon of Muscatine Doderer of Johnson Rapp of Black Hawk
H-5704	S.F. 2218	Smalley of Polk Bennett of Ida
H-5705	S.F. 2280	Ritsema of Sioux
H-5706	S.F. 2280	Ritsema of Sioux
H-5707	S.F. 393	Poffenberger of Dallas Howell of Floyd Mullins of Kossuth Pelton of Clinton Ritsema of Sioux
H-5708	S.F. 2218	Davitt of Warren Lloyd-Jones of Johnson Dieleman of Marion Avenson of Fayette Jay of Appanoose Cochran of Webster

On motion by Pope of Polk, the House adjourned at 7:05 p.m., until 9:00 a.m., Tuesday, April 6, 1982.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day—Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 6, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable Joe Gross, state representative from Ringgold County.

The Journal of Monday, April 5, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan B. Vasher, Ida Grove.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Pavich of Pottawattamie.

INTRODUCTION OF BILLS

House File 2478, by committee on ways and means, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax.

Read first time and placed on the ways and means calendar.

House File 2479, by committee on ways and means, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

Read first time and placed on the ways and means calendar.

SENATE MESSAGE CONSIDERED

Senate File 2109, by Baugher, Ramsey, Comito, Taylor, Jensen, Holden, Lura, Dreeszen, Husak, Anderson, Slater and Small, a bill

for an act to provide for a regulatory flexibility analysis in the promulgation of administrative rules.

Read first time and referred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 84, a bill for an act relating to pensions under firemen's and policemen's pension funds.

Also: That the Senate has on April 2, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 796, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2059, a bill for an act relating to motor fuel tests.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2173, a bill for an act relating to the projects for which industrial revenue bonds may be issued under chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2337, a bill for an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2359, a bill for an act making records of court ordered support payments public records.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2361, a bill for an act relating to the access of a spouse to the medical records of a mental health patient.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2376, a bill for an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2380, a bill for an act relating to insolvent insurers.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2385, a bill for an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2397, a bill for an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the secretary of state and allowing the secretary of state to appoint as a notary public a resident of a border state working in Iowa.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2410, a bill for an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2416, a bill for an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

Also: That the Senate has on April 2, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2418, a bill for an act to provide that traffic violation proceedings by

the state board of regents or its institutions are not contested cases under the Iowa administrative procedure Act.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILL

Ways and Means Calendar

Senate File 2091, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Lageschulte of Bremer offered amendment H—5537 filed by the committee on ways and means as follows:

H—5537

1 Amend Senate File 2091 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 324.3, unnumbered paragraph
6 1, Code 1981, as amended by Acts of the Sixty-ninth
7 General Assembly, Second Extraordinary 1981 Session,
8 chapter 2, section 7, is amended to read as follows:
9 For the privilege of operating motor vehicles in
10 this state an excise tax of thirteen cents per gallon
11 beginning September 1, 1981 is imposed upon the use
12 of all motor fuel used for any purpose except motor
13 fuel containing at least ten percent alcohol distilled
14 from agricultural products grown in the United States
15 for the period beginning July 1, 1978 and ending June
16 30, 1983 1986 and except as otherwise provided in
17 this division. The tax shall be paid in the first
18 instance by the distributor upon the invoiced gallonage
19 of all motor fuel received by the distributor in this
20 state, within the meaning of the word "received" as
21 defined in this division, less the deductions
22 authorized. Thereafter, except as otherwise provided,
23 the per gallon amount of the tax shall be added to
24 the selling price of every gallon of such motor fuel
25 sold in this state and collected from the purchaser
26 so that the ultimate consumer bears the burden of
27 the tax; provided that tax shall not be imposed or
28 collected under this division with respect to the
29 following:

30 Sec. 2. Section 324.3, unnumbered paragraph 3,
31 Code 1981, as amended by Acts of the Sixty-ninth
32 General Assembly, Second Extraordinary 1981 Session,
33 chapter 2, section 9, is amended to read as follows:

34 For the privilege of operating motor vehicles in
35 this state an excise tax of five cents per gallon
36 for the period beginning May 1, 1981 and ending August
37 31, 1981 and an excise tax of six cents per gallon
38 for the period beginning September 1, 1981 and ending
39 June 30, 1983 on the last day of the month in which
40 this Act becomes effective, an excise tax of eight
41 cents per gallon for the period beginning on the first
42 day of the month following the month in which this
43 Act becomes effective and ending June 30, 1983, an
44 excise tax of ten cents per gallon for the period
45 beginning July 1, 1983 and ending June 30, 1984, an
46 excise tax of eleven cents per gallon for the period
47 beginning July 1, 1984 and ending June 30, 1985, an
48 excise tax of twelve cents per gallon beginning July
49 1, 1985 and ending June 30, 1986, is imposed upon
50 the use of gasohol used for any purpose except as

Page 2

1 otherwise provided in this division.

2 Sec. 3. This Act, being deemed of immediate
3 importance, takes effect from and after its publication
4 in The Hudson Herald, a newspaper published in Hudson,
5 Iowa, and in the Bremer County Independent and Waverly
6 Democrat, a newspaper published in Waverly, Iowa."

7 2. Amend the title, lines 1 through 4, by striking
8 the words "providing an excise tax on ethyl alcohol
9 used by motor vehicles, requiring motor fuel
10 distributors to receive a certain percentage of
11 ethanol, and providing a penalty" and inserting in
12 lieu thereof the words "effective upon publication".

Clark of Lee offered amendment H-5610, to amendment
H-5537, filed by him as follows:

H-5610

1 Amend the Committee on Ways and Means amendment,
2 H-5537, to Senate File 2091, as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, line 16, by striking the figure "1986"
5 and inserting in lieu thereof the figure "1987".

6 2. Page 1, line 44, by striking the word "ten"
7 and inserting in lieu thereof the word "nine".

8 3. Page 1, line 46, by striking the word "eleven"

- 9 and inserting in lieu thereof the word "ten".
 10 4. Page 1, line 48, by striking the word "twelve"
 11 and inserting in lieu thereof the word "eleven".
 12 5. Page 1, line 49, by inserting after the figure
 13 "1986," the words and figures "an excise tax of twelve
 14 cents per gallon for the period beginning July 1,
 15 1986 and ending June 30, 1987."

The House stood at ease at 9:27 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Speaker Stromer in the chair.

Clark of Lee moved the adoption of amendment H-5610, to amendment H-5537.

Roll call was requested by Dieleman of Marion and Davitt of Warren.

Rule 80 was invoked.

On the question "Shall amendment H-5610 be adopted?"

The ayes were, 46:

Anderson, J.	Avenson	Baxter	Binneboese
Carl	Clark, J. H.	Clements	Cochran
Connors	Danker	Davitt	Dieleman
Fey	Gettings	Gross	Groth
Halvorson, R. N.	Harbor	Horn	Howell
Jay	Johnson, J.	Knapp	Loneragan
Mann	McKean	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poncy	Rapp	Renaud
Running	Smalley	Smith	Spear
Sturgeon	Sullivan	Swartz	Van Maanen
Welsh	Woods		

The nays were, 48:

Anderson, R.	Arnould	Branstad	Bruner
Carpenter	Chiodo	Clark, B. J.	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	De Groot	Diemer	Doderer
Egenes	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Hummel
Jochum	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Lloyd-Jones	Maulsby
Menke	Mullins	Poffenberger	Pope
Renken	Ritsema	Rosenberg	Schroeder
Shull	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Welden	Mr. Speaker

Absent or not voting, 6:

Bennett
Schnekloth

Brandt
Walter

Byerly

Daggett

Amendment H-5610, to the committee amendment H-5537, lost.

Schroeder of Pottawattamie offered the following amendment H-5628, to amendment H-5537, filed by Schroeder and Carpenter and moved its adoption:

H-5628

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5537, to Senate File 2091, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 16, by striking the figure "1986"
- 5 and inserting in lieu thereof the figure "1985".
- 6 2. Page 1, line 40, by striking the word "eight"
- 7 and inserting in lieu thereof the word "nine".
- 8 3. Page 1, line 44, by striking the word "ten"
- 9 and inserting in lieu thereof the word "eleven".
- 10 4. Page 1, line 46, by striking the word "eleven"
- 11 and inserting in lieu thereof the word "twelve".
- 12 5. Page 1, lines 47 through 49, by striking the
- 13 words "an excise tax of twelve cents per gallon
- 14 beginning July 1, 1985 and ending June 30, 1986".

A non-record roll call was requested.

The ayes were 12, nays 75.

Amendment H-5628, to the committee amendment H-5537, lost.

Welsh of Dubuque offered amendment H-5662, to amendment H-5537, filed by Welsh, et al., as follows:

H-5662

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5537 to Senate File 2091, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 16, by striking the number "1986"
- 5 and inserting in lieu thereof the number "1988".
- 6 2. Page 1, by striking lines 39 through 49 and

7 inserting in lieu thereof the following: "June 30,
8 1983 1982, an excise tax of seven cents per gallon
9 for the period beginning July 1, 1982 and ending June
10 30, 1983, an excise tax of eight cents per gallon
11 for the period beginning July 1, 1983 and ending June
12 30, 1984, an excise tax of nine cents per gallon for
13 the period beginning July 1, 1984 and ending June
14 30, 1985, an excise tax of ten cents per gallon for
15 the period beginning July 1, 1985 and ending June
16 30, 1986, an excise tax of eleven cents per gallon
17 for the period beginning July 1, 1986 and ending June
18 30, 1987, an excise tax of twelve cents per gallon
19 for the period beginning July 1, 1987 and ending June
20 30, 1988, is imposed upon".

21 3. Page 2, by striking lines 2 through 6 and
22 inserting in lieu thereof the following:

23 "Sec. 3. Chapter 422, Code 1981, is amended by
24 adding sections 4 through 10 of this Act as a new
25 division.

26 Sec. 4. NEW SECTION. DEFINITIONS. As used in
27 this division unless the context otherwise requires:

28 1. "Corporation" has the meaning ascribed to it
29 in section 422.32, subsection 1.

30 2. "Tax year" has the meaning ascribed to it in
31 section 422.4, subsections 4 and 5.

32 3. "Gross receipts" means all receipts from within
33 or without the United States without deduction on
34 account of the cost of the property sold, the cost
35 of materials used, labor or services, or other costs,
36 interest, or discount paid, or any other expense.
37 However, "gross receipts" does not include receipts
38 for the issuance or sale of shares of capital stock,
39 money lent to the company, receipts from a sale of
40 fuel oil, used for residential purposes, other than
41 diesel motor fuel, or receipts from a sale for resale
42 to a purchaser which is an oil company subject to
43 tax under this division. Receipts are not from a
44 sale for resale unless the purchaser furnishes the
45 oil company with a resale certificate in the form
46 and under terms and conditions the director prescribes
47 and the certificate is accepted in good faith by the
48 oil company.

49 4. "Oil company" means a corporation formed for
50 or engaged in the business of importing or causing

Page 2

1 to be imported into this state for sale in this state,
2 extracting, producing, refining, manufacturing,
3 compounding, or selling petroleum. However, "oil
4 company" does not include a corporation which is

5 principally engaged in selling fuel oil used for
6 residential purposes, other than diesel motor fuel.

7 5. "Petroleum" includes, but is not limited to,
8 gasoline, aviation fuel, kerosene, diesel motor fuel,
9 benzol, distillate fuels, residual oil, crude oil,
10 or any similar product.

11 Sec. 5. NEW SECTION. ADDITIONAL CORPORATE TAX
12 IMPOSED. In addition to any other tax imposed under
13 this chapter, there is imposed upon each oil company
14 for the privilege of doing business within this state
15 an annual tax of two percent of its gross receipts
16 apportioned to the state. However, the tax imposed
17 on a corporation by this division shall not be less
18 than two hundred fifty dollars.

19 Sec. 6. NEW SECTION. APPORTIONMENT OF GROSS
20 RECEIPTS. The portion of the gross receipts of an
21 oil company apportioned to the state is determined
22 by multiplying its gross receipts by an apportionment
23 percentage equal to the percentage which the receipts
24 of the oil company for the tax year from sales of
25 its tangible personal property where shipments are
26 made to points within this state, services performed
27 within the state, rentals from property situated
28 within this state, royalties from the use of patents
29 or copyrights within this state, and all other business
30 receipts earned within the state, is of the total
31 amount of the oil company's receipts, similarly
32 computed, for the tax year from all sales of its
33 tangible personal property, services, rentals,
34 royalties, and all other business transactions, within
35 or without the state. Receipts from a sale of fuel
36 oil used for residential purposes shall be included
37 as receipts in the computation of the apportionment
38 percentage.

39 Sec. 7. NEW SECTION. REVENUES—BRIDGE CONSTRUCTION
40 FUND—GENERAL FUND. One-half of all taxes, interest,
41 and penalties collected or refunds made under this
42 division relating to the sale of petroleum during
43 the period beginning July 1, 1982 and ending June
44 30, 1987, shall be credited to or withdrawn from the
45 "bridge construction fund" which is hereby created.
46 Moneys shall be allocated from the bridge construction
47 fund to counties and cities in the proportions provided
48 in section 312.3, however the moneys may only be used
49 for the construction and reconstruction of bridges.
50 If a county or city does not use its allocation under

Page 3

- 1 the bridge construction fund by June 30 of each year,
- 2 the unused allocation shall revert back to the bridge

3 construction fund for redistribution. A county or
4 city is deemed to "use" its allocation either through
5 actual cash outlays or by entering into a contract
6 for bridge construction. Any moneys remaining in
7 the bridge construction fund after June 30, 1987 shall
8 be distributed to counties and cities for bridge
9 construction and reconstruction on the basis of need
10 as determined by the state department of
11 transportation.

12 All other taxes, interest, and penalties collected
13 or refunds made under this division shall be credited
14 to or withdrawn from the general fund.

15 Sec. 8. NEW SECTION. INCOME TAX CREDIT ON
16 PETROLEUM USED OTHER THAN IN WATERCRAFT OR MOTOR
17 VEHICLES. Each person or corporation subject to
18 taxation under divisions II or III of this chapter
19 may receive an income tax credit for tax years
20 beginning on or after July 1, 1982. For purposes
21 of this section the term "person" includes a person
22 claiming a tax credit based upon the person's pro
23 rata share of the earnings from a partnership or
24 corporation which corporation or partnership as a
25 business entity is not subject to a tax under divisions
26 II or III of this chapter as a partnership or
27 corporation. The income tax credit shall be based
28 on the price of petroleum purchased during the tax
29 year when the use of the petroleum was for the purpose
30 of operating or propelling farm tractors, corn
31 shellers, roller mills, truck-mounted feed grinders,
32 stationary gas engines, aircraft, for producing
33 denatured alcohol within the state, for cleaning or
34 dyeing or for any purpose other than in watercraft
35 or for propelling motor vehicles operated or intended
36 to be operated upon the public highways.

37 However, no credit shall be given for petroleum
38 taken out of the state in fuel supply tanks of motor
39 vehicles or for the petroleum purchased for resale.
40 The right to a credit under this section is not
41 assignable and the credit may be claimed only by the
42 person or corporation that purchased the petroleum.

43 The income tax credit may be applied against the
44 income tax liability of the person or corporation
45 as determined on the tax return filed for the year
46 in which the petroleum was purchased. The income
47 tax credit on petroleum used for the purpose of
48 operating aircraft must be itemized separately. The
49 department shall provide forms for claiming the income
50 tax credit. If the income tax credit would result

Page 4

1 in an overpayment of income tax, the person or
2 corporation may apply for a refund of the amount of
3 overpayment or may have the overpayment credited to
4 income tax due in subsequent years. Each person or
5 corporation that claims an income tax credit under
6 this section shall maintain the original invoices
7 showing the purchase of the petroleum on which a
8 credit is claimed. No invoice is acceptable in support
9 of a claim for credit unless it is a separate serially
10 numbered invoice covering no more than one purchase
11 of petroleum, prepared by the seller on a form approved
12 by the department, nor unless it is legibly written
13 with no corrections or erasures and shows the date
14 of sale, the name and address of the seller and of
15 the purchaser, the kind of petroleum, the gallonage
16 in figures, the per gallon price of the petroleum,
17 the total purchase price, and that the total purchase
18 price has been paid. However, as to refund invoices
19 made on a billing machine the department may waive
20 these requirements. If an original invoice is lost
21 or destroyed, the department may approve a credit
22 supported by a copy identified and certified by the
23 seller as being a true copy of the original. Each
24 person or corporation that claims an income tax credit
25 under this section shall maintain complete records
26 of purchases of petroleum for which an income tax
27 credit is claimed.

28 In order to verify the validity of a claim for
29 credit the department of revenue shall have the right
30 to require the claimant to furnish such additional
31 proof of validity as the department of revenue may
32 determine and to examine the books and records of
33 the claimant. Failure of the claimant to furnish
34 the claimant's books and records for examination shall
35 constitute a waiver of rights to claim a credit related
36 to that taxpayer's year and the department may disallow
37 the entire credit claimed by the taxpayer for that
38 year.

39 The income tax credit shall be in the amount
40 determined by multiplying the purchase price of
41 petroleum subject to the credit times two hundredths
42 divided by one and two hundredths.

43 **Sec. 9. NEW SECTION. STATUTES APPLICABLE TO THIS**
44 **DIVISION.** The applicable provisions of sections
45 422.24 to 422.30, 422.36, 422.37, and 422.40, and
46 division VI of this chapter apply to oil companies
47 taxable and to the tax and other requirements imposed
48 under this division.

49 **Sec. 10. NEW SECTION. REPORT—PENALTY.** In
50 addition to and to be filed at the same time as the

Page 5

- 1 tax return filed under this division, an oil company
- 2 shall file a report including such information as
- 3 prescribed by the director.
- 4 If an oil company fails to file the report or fails
- 5 to file it on time, a penalty of one percent of the
- 6 tax imposed under this division shall be assessed
- 7 for each day the report has not been filed or was
- 8 filed late.
- 9 Sec. 11. Sections 4 through 10 of this Act apply
- 10 to tax years beginning on or after July 1, 1982." "

Schroeder of Pottawattamie rose on a point of order that amendment H-5662, to the committee amendment H-5537, was not germane.

The Speaker ruled the point well taken and amendment H-5662 not germane.

Krewson of Polk asked for unanimous consent to suspend the rules to consider amendment H-5662.

Objection was raised.

Krewson of Polk moved that the rules be suspended to consider and adopt amendment H-5662, to the committee amendment H-5537.

Roll call was requested by Welsh of Dubuque and Rapp of Black Hawk.

On the question "Shall the rules be suspended to consider and adopt amendment H-5662?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Chiodo	Clark, B. J.	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Johnson, R.	Knapp
Krewson	Lloyd-Jones	Loneragan	McKean
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Schneklath	Spear	Sturgeon
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schroeder	Shull
Smith	Stueland	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 4:

Byerly	Smalley	Swartz	Walter
--------	---------	--------	--------

The motion lost.

Sullivan of Van Buren offered amendment H—5660, to amendment H—5537, filed by Sullivan, et al., as follows:

H—5660

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5537, to Senate File 2091, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 2, by inserting after line 1 the following
- 5 new sections:
- 6 "Sec. . . Section 324.3, Code 1981, as amended
- 7 by Acts of the Sixty-ninth General Assembly, Second
- 8 Extraordinary 1981 Session, chapter 2, sections 7,
- 9 8, and 9, is amended by adding the following new
- 10 unnumbered paragraph:
- 11 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
- 12 rate of tax imposed under this section, the tax on
- 13 motor fuel delivered to a qualified dealer located
- 14 not more than seven and one-half miles from the border
- 15 of a contiguous state shall be reduced to a rate of
- 16 not more than three cents per gallon above the rate
- 17 of tax imposed on motor fuel by the contiguous state
- 18 located within the distance specified in this
- 19 unnumbered paragraph. The tax on motor fuel delivered
- 20 to a qualified dealer located more than seven and
- 21 one-half miles and not more than fifteen miles from
- 22 the border of a contiguous state shall be reduced
- 23 to a rate of not more than five cents per gallon above

24 the rate of tax imposed on motor fuel by the contiguous
25 state. A "qualified dealer" means a dealer located
26 within seven and one-half miles or fifteen miles as
27 the case may be, except as provided in this unnumbered
28 paragraph, measured by the shortest distance from
29 the border of a contiguous state. The qualified
30 dealer shall be allowed a credit by the distributor
31 for the amount of the reduction in motor fuel tax
32 allowed and a qualified dealer, before receiving the
33 credit, shall be registered by the department of
34 revenue. In computing the rate of tax imposed on
35 motor fuel in a contiguous state, all excise taxes
36 levied on the motor fuel shall be included to determine
37 the rate of tax imposed on motor fuel. If a qualified
38 dealer is located within the corporate limits of a
39 city, all dealers within the corporate limits of the
40 city shall be qualified dealers.

41 Sec. . Section 324.34, Code 1981, as amended
42 by Acts of the Sixty-ninth General Assembly, Second
43 Extraordinary 1981 Session, chapter 2, section 12,
44 is amended by adding the following new unnumbered
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
47 rate of tax imposed under this section, the tax on
48 special fuel sold by a qualified licensed special
49 fuel user located not more than seven and one-half
50 miles from the border of a contiguous state shall

Page 2

1 be reduced to a rate of not more than three cents
2 per gallon above the rate of tax imposed on motor
3 fuel by the contiguous state located within the
4 distance specified in this unnumbered paragraph.
5 The tax on special fuel sold by a qualified licensed
6 special fuel user located more than seven and one-
7 half miles and not more than fifteen miles from the
8 border of a contiguous state shall be reduced to a
9 rate of not more than five cents per gallon above
10 the rate of tax imposed on motor fuel by the contiguous
11 state. A "qualified licensed special fuel user" means
12 a user located within seven and one-half miles or
13 fifteen miles as the case may be, except as provided
14 in this unnumbered paragraph, measured by the shortest
15 distance from the border of a contiguous state. The
16 qualified licensed special fuel user shall be allowed
17 a credit by the distributor for the amount of the
18 reduction in motor fuel tax allowed and a qualified
19 licensed special fuel user, before receiving the
20 credit, shall be registered by the department of
21 revenue. In computing the rate of tax imposed on

22 motor fuel in a contiguous state, all excise taxes
23 levied on the motor fuel shall be included to determine
24 the rate of tax imposed on motor fuel. If a qualified
25 licensed special fuel user is located within the
26 corporate limits of a city, all licensed special fuel
27 users within the corporate limits of the city shall
28 be qualified licensed special fuel users."
29 2. Renumber sections and correct internal
30 references as are necessary in accordance with this
31 amendment.

Lageschulte of Bremer rose on a point of order that amendment H-5660, to the committee amendment H-5537, was not germane.

The Speaker ruled the point well taken and amendment H-5660 not germane.

Clark of Lee moved that the rules be suspended to consider amendment H-5660, to the committee amendment H-5537.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 49, nays 49.

The motion lost.

Norland of Worth offered the following amendment H-5689, to amendment H-5537, filed by Norland and Harbor, and moved its adoption:

H-5689

1 Amend the Committee on Ways and Means amendment,
2 H-5537, to Senate File 2091 as follows:
3 1. Page 1, by striking line 5 through page 2,
4 line 6, and inserting in lieu thereof the following:
5 "Section 1. It is the finding of the general
6 assembly that the development of a stable, efficient,
7 and economically viable fuel alcohol industry in Iowa
8 is in the best interests of both Iowa and the nation
9 inasmuch as:
10 1. The demand for petroleum energy resources
11 remains high in both Iowa and the nation despite

12 significant conservation efforts.

13 2. The continued dependency on foreign sources
14 for these energy resources compromises our national
15 defense capabilities.

16 3. Continued purchases of foreign energy resources
17 causes a substantial flow of revenue from both Iowa
18 and the nation.

19 4. Supplies of traditional nonrenewable energy
20 resources and especially petroleum energy resources
21 are being depleted.

22 5. Fuel alcohol represents a renewable energy
23 resource which can be produced and consumed in Iowa
24 and our nation using present technologies.

25 6. The development of an ethanol industry would
26 benefit the economies of Iowa and the nation.

27 In view of these considerations, the general
28 assembly endorses the development of a fuel alcohol
29 industry in Iowa and enacts this law to assist this
30 industry through the stimulation of the fuel alcohol
31 market.

32 Sec. 2. Section 214A.1, Code 1981, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. "Ethanol" means ethyl alcohol
35 distilled from agricultural products grown in the
36 United States.

37 Sec. 3. Section 214A.2, Code 1981, is amended
38 by adding the following new unnumbered paragraph:

39 NEW UNNUMBERED PARAGRAPH. Gasoline shall not
40 contain a mixture of more than thirteen percent
41 ethanol.

42 Sec. 4. Section 312.2, Code 1981, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. Beginning July 1, 1982, and July
45 1 of each succeeding year, before making the allotments
46 provided in this section, the treasurer of state shall
47 credit annually from the road use tax fund the sum
48 of one million five hundred thousand dollars to the
49 state department of transportation for salaries and
50 support of driver's license examiners.

Page 2

1 Sec. 5. Section 323.1, unnumbered paragraph 1,
2 Code 1981, is amended to read as follows:

3 When used in this ~~chapter~~ division, unless the
4 context otherwise requires:

5 Sec. 6. Section 323.9, Code 1981, is amended to
6 read as follows:

7 323.9 VIOLATIONS. Any person violating the
8 provisions of this ~~chapter~~ division is guilty of a
9 simple misdemeanor.

10 Sec. 7. Section 323.10, Code 1981, is amended
11 to read as follows:

12 323.10 INTENT. The provisions of this chapter
13 division are enacted in the exercise of the police
14 powers of this state for the purpose of protecting
15 the health, safety and general welfare of the people
16 of this state and because methods and practices in
17 the marketing and distribution of motor fuel and
18 special fuel have impaired the availability to the
19 public of the fuel and the services supplied by
20 distributors and dealers who have entered into a
21 franchise agreement with their respective suppliers.

22 Sec. 8. Section 323.13, Code 1981, is amended
23 to read as follows:

24 323.13 WAIVER. Any provision of a dealer franchise
25 or distributor franchise which is an attempted waiver
26 of the benefits of this chapter division shall be
27 void and unenforceable.

28 Sec. 9. Chapter 323, Code 1981, is amended by
29 adding sections 10 through 15 of this Act as a new
30 division.

31 Sec. 10. Chapter 323, Code 1981, is amended by
32 adding the following new section:

33 NEW SECTION. DEFINITIONS. As used in this
34 division, unless the context otherwise requires:

35 1. "Ethanol" means ethyl alcohol distilled from
36 agricultural products grown in the United States which
37 is intended to be and is capable of being used for
38 the purpose of propelling or running by combustion
39 any internal combustion engine.

40 2. "Ethanol producer" means a producer of ethanol
41 in this state.

42 3. "Permit holder" means an ethanol producer which
43 holds a valid ethanol production incentive permit
44 issued by the department of revenue.

45 4. "Fiscal year" means the twelve-month period
46 beginning July 1 of each year.

47 Sec. 11. Chapter 323, Code 1981, is amended by
48 adding the following new section:

49 NEW SECTION. APPROPRIATION - ETHANOL PRODUCTION
50 INCENTIVE FUND. Effective July 1, 1982, there is

Page 3

1 appropriated annually from the general fund of the
2 state an amount necessary to pay the production
3 incentive provided in section 13 of this Act with
4 a maximum annual appropriation of three million
5 (3,000,000) dollars. These moneys shall be credited
6 to the "ethanol production incentive fund" which is
7 hereby created and the fund shall be distributed as

8 provided in this division.

9 Sec. 12. Chapter 323, Code 1981, is amended by
10 adding the following new section:

11 **NEW SECTION. ETHANOL PRODUCTION INCENTIVE PERMIT.**

12 An ethanol producer, before receiving incentive funds
13 under this division, shall obtain an ethanol production
14 incentive permit from the department of revenue.

15 Application for the permit shall be made to the
16 department of revenue on a form provided by the
17 department of revenue. The application shall include
18 the name and address of the applicant, shall contain
19 an estimate of the annual ethanol production of the
20 applicant, and shall contain other information as

21 required under rules of the department of revenue.
22 The department of revenue, when satisfied that the
23 applicant has met all requirements, shall issue an
24 ethanol production incentive permit to the applicant.

25 An ethanol production incentive permit expires on
26 June 30 of each year, unless sooner revoked by the
27 department of revenue. An ethanol production incentive
28 permit shall not be assigned by a permit holder.

29 Only one ethanol production incentive permit may be
30 issued for any ethanol plant during a fiscal year.

31 Sec. 13. Chapter 323, Code 1981, is amended by
32 adding the following new section:

33 **NEW SECTION. PRORATION OF ETHANOL PRODUCTION**

34 **INCENTIVE FUND.** An ethanol producer is entitled to
35 receive monthly from the director of revenue a
36 production incentive from the ethanol production
37 incentive fund in the amount of fifteen cents per
38 gallon of ethanol produced on the first three million
39 gallons of ethanol produced by the ethanol producer
40 during each fiscal year. However, an ethanol producer
41 is entitled to the production incentive only for
42 ethanol which is produced for the first time by the
43 ethanol producer and only for ethanol produced during
44 months that the producer holds a valid ethanol
45 production incentive permit. The incentive payment
46 is subject to proration as provided in this section.

47 In order to qualify for an incentive payment for
48 ethanol produced during a month, a permit holder
49 shall, within thirty days of the conclusion of the
50 month, certify to the director of revenue the number

Page 4

- 1 of gallons of ethanol produced by the permit holder.
- 2 in the state, and shall submit or revise an estimate
- 3 of the holder's fiscal year ethanol production.
- 4 Incentive payments shall be paid by the director of

5 revenue to qualified permit holders within sixty days
6 of receipt of the holder's certification. The director
7 of revenue shall estimate the anticipated ethanol
8 production by permit holders in the state, and if
9 the director finds that the production of ethanol
10 is such that moneys appropriated for the ethanol
11 production incentive fund are not sufficient to permit
12 payment of the fifteen cent per gallon incentive,
13 the director of revenue shall distribute the ethanol
14 production incentive fund payment for each permit
15 holder in a manner that the annual appropriation is
16 prorated to each permit holder based on the ratio
17 that the permit holder's ethanol production bears
18 to the total ethanol production by permit holders
19 in the state. However, the director of revenue shall
20 not include in this calculation production of ethanol
21 by a permit holder in excess of three million gallons
22 per fiscal year.

23 Sec. 14. Chapter 323, Code 1981, is amended by
24 adding the following new section:

25 NEW SECTION. RULES. The department of revenue
26 shall adopt rules pursuant to chapter 17A as necessary
27 to carry out the provisions of this division.

28 Sec. 15. Chapter 323, Code 1981, is amended by
29 adding the following new section:

30 NEW SECTION. PENALTY. A person who knowingly
31 makes false certification of ethanol production, false
32 claim or false application under sections 12 or 13
33 of this Act is guilty of a fraudulent practice.

34 Sec. 16. Section 324.2, subsection 7, Code 1981,
35 is amended to read as follows:

36 7. "Gasohol" means motor fuel containing at least
37 ten percent alcohol distilled from agricultural
38 products grown in the United States.

39 Sec. 17. Section 324.3, unnumbered paragraph 1,
40 Code 1981, as amended by Acts of the Sixty-ninth
41 General Assembly, Second Extraordinary 1981 Session,
42 chapter 2, section 7, is amended to read as follows:

43 For the privilege of operating motor vehicles in
44 this state an excise tax of thirteen cents per gallon
45 beginning September 1, 1981 is imposed upon the use
46 of all motor fuel used for any purpose except motor
47 fuel containing at least ten percent alcohol distilled
48 from agricultural products gasohol for the period
49 beginning July 1, 1978 and ending June 30, ~~1983~~ 1985
50 and except as otherwise provided in this division.

Rule 80 was invoked.

Under the provisions of Rule 81, Daggett of Taylor refrained from voting.

On the question "Shall amendment H—5689 be adopted?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Clark, J. H.	Cochran	Conlon	Connolly
Connors	Copenhaver	Danker	Davitt
Dieleman	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Harbor	Horn	Howell	Jay
Knapp	Lloyd-Jones	Loneragan	Norland
O'Kane	Oxley	Pavich	Pellett
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Trucano	Van Maanen	Welsh
Woods			

The nays were, 47:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Cook	Corey
Crabb	De Groot	Diemer	Egenes
Halvorson, R. A.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Tyrrell	Welden	Mr. Speaker	

Absent or not voting, 4:

Byerly	Chiodo	Daggett	Walter
--------	--------	---------	--------

Amendment H—5689, to the committee amendment H—5537, was adopted.

Schroeder of Pottawattamie offered amendment H—5711, to the committee amendment H—5537, filed by him from the floor as follows:

H-5711

- 1 Amend the Committee on Ways and Means amendment,
2 H-5537 to Senate File 2091 as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 1, by inserting after line 4 the following:
5 "Sec. . Section 214A.1, Code 1981, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. "Ethanol" means ethyl alcohol
8 distilled from agricultural products grown in the
9 United States.
10 Sec. . Section 214A.2, Code 1981, is amended
11 by adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. Gasoline shall not
13 contain a mixture of more than thirteen percent
14 ethanol.
15 Sec. . Chapter 214A, Code 1981, is amended
16 by adding the following new section:
17 NEW SECTION. Any retail dealer who sells or holds
18 for sale motor vehicle fuel containing ethanol shall
19 conspicuously post upon any container or pump from
20 which the motor fuel is being sold, a notice, in
21 letters at least one-half inch high, showing the
22 percentage of ethanol contained in the motor fuel."
23 2. Page 1, by inserting after line 4 the following:
24 "Sec. . Chapter 214A, Code 1981, is amended
25 by adding the following new section:
26 NEW SECTION. HEATING PROHIBITED. It is a simple
27 misdemeanor for a wholesale or retail dealer to
28 deliberately heat motor fuel or special fuel subject
29 to taxation under chapter 324 prior to consumer sale."
30 3. By renumbering sections as necessary.

Pelton of Clinton rose on a point of order invoking Rule 37 to refer Senate File 2091 to the committee on appropriations.

The Speaker ruled the point not well taken until the committee amendment H-5537, as amended, is adopted.

SENATE FILE 2091 DEFERRED

Pope of Polk asked for unanimous consent to defer action on Senate File 2091 and amendment H-5711, to the committee amendment H-5537, and that the bill be placed on the Unfinished Business Calendar.

Objection was raised.

Pope of Polk moved to suspend the rules to defer action on Senate File 2091 and amendment H—5711, to the committee amendment H—5537, and that the bill be placed on the Unfinished Business Calendar.

A non-record roll call was requested.

The ayes were 51, nays 39.

The motion prevailed.

On motion by Pope of Polk, the House was recessed at 12:22 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **Senate File 2202**, a bill for an act relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances Act, and providing penalties.

Ritsema of Sioux offered the following amendment H—5577 filed by the committee on judiciary and law enforcement and moved its adoption:

H—5577

- 1 Amend Senate File 2202, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 3, by striking the words "or a
- 4 person" and inserting in lieu thereof the words "to
- 5 a person".
- 6 2. Page 3, by inserting after line 23 the
- 7 following:
- 8 "The state board of pharmacy examiners may designate
- 9 a substance as an imitation controlled substance
- 10 pursuant to the board's rule-making authority and
- 11 in accordance with chapter 17A."

- 12 3. Page 3, line 25, by inserting after the word
13 "When" the words "a substance has not been designated
14 as an imitation controlled substance by the state
15 board of pharmacy examiners and when".
16 4. Page 5, line 24, by inserting after the word
17 "However," the word "imitation".
18 5. Page 5, by striking line 26 and inserting in
19 lieu thereof the words "Imitation controlled
20 substances".
21 6. Page 7, by striking lines 34 and 35.

The committee amendment H—5577 was adopted.

Rapp of Black Hawk offered the following amendment H—5630 filed by Rapp, Doderer and Poffenberger and moved its adoption:

H—5630

- 1 Amend Senate File 2202, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 23 through 25 and
4 inserting in lieu thereof the words "II which is a
5 narcotic drug, is guilty of a class "C" felony."
6 2. Page 1, by striking lines 27 through 29 and
7 inserting in lieu thereof the words "schedule I, II,
8 or III, or a simulated controlled substance represented
9 to be a narcotic drug classified in schedule I or
10 II, is guilty of a class "D" felony."
11 3. Page 1, by inserting after line 29 the
12 following:
13 "c. Any simulated controlled substance represented
14 to be any other substance classified in schedule I,
15 II, or III, is guilty of an aggravated misdemeanor."
16 4. Page 1, line 30, by striking the letter "c."
17 and inserting in lieu thereof the letters "e d."
18 5. Page 1, line 34, by striking the letter "d."
19 and inserting in lieu thereof the letters "d e."

A non-record roll call was requested.

The ayes were 26, nays 58.

Amendment H—5630 lost.

Brandt of Black Hawk offered the following amendment H—5648 filed by her and moved its adoption:

H-5648

- 1 Amend Senate File 2202 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 11 through 18 and
- 4 inserting in lieu thereof the words "the owner's
- 5 knowledge or consent."

A non-record roll call was requested.

The ayes were 23, nays 60.

Amendment H-5648 lost.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2202)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poney	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Byerly

Doderer

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 539, a bill for an act relating to workers' compensation and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Hummel of Benton offered the following amendment H-3675 filed by the committee on labor and industrial relations and moved its adoption:

H-3675

- 1 Amend Senate File 539 as passed by the Senate,
- 2 as follows:
- 3 1. Page 3, by striking lines 13 through 17 and
- 4 inserting in lieu thereof the words "officers, the
- 5 parents, brothers, sisters, children or, and step-
- 6 children of such either the officers and their or
- 7 the spouses of the officers, and the spouses of the
- 8 brothers, sisters, children, and stepchildren of
- 9 either the officers or the spouses of the officers,
- 10 and (d) the spouse of a partner".
- 11 2. Page 11, by striking lines 11 through 17 and
- 12 inserting in lieu thereof the words "employment or
- 13 an amount equal to one hundred and forty percent of
- 14 the statewide average weekly wage, whichever is
- 15 greater."

The committee amendment H-3675 was adopted.

The following amendments, to Senate File 539, were withdrawn by unanimous consent:

H-3759 filed by Bennett of Ida on April 22, 1981 and found on page 2432 of the 1981 House Journal.

H-3740 filed by Schroeder of Pottawattamie on April 21, 1981 and found on pages 2421 through 2426 of the 1981 House Journal, placing out of order H-3821 filed by Hummel, Schroeder and Egenes on April 24, 1981 and found on page 2440 of the 1981 House

Journal; and H—3825 filed by Hummel, Schroeder and Egenes on April 27, 1981 and found on page 2441 of the 1981 House Journal.

H—3826 filed by Crabb of Crawford on April 27, 1981 and found on pages 2441 and 2442 of the 1981 House Journal.

H—3827 filed by Schroeder of Pottawattamie on April 27, 1981 and found on page 2442 of the 1981 House Journal.

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 539)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Byerly

Danker

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2273, a bill for an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 2273)

The ayes were, 64:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Brandt	Bruner	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Connors	Copenhaver	Corey	Crabb
Danker	Davitt	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, W.	Knapp
Krewson	Lloyd-Jones	Menke	Mullins
O'Kane	Oxley	Pavich	Poffenberger
Poncy	Pope	Rapp	Renaud
Rosenberg	Running	Schroeder	Shull
Smith	Sullivan	Swearingen	Tofte
Trucano	Welsh	Woods	Mr. Speaker

The nays were, 34:

Anderson, J.	Binneboese	Branstad	Carl
Carpenter	Clements	Conlon	Cook
Daggett	De Groot	Gross	Johnson, J.
Johnson, R.	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Norland
Pellet	Pelton	Petrick	Renken
Ritsema	Schneklloth	Smalley	Spear
Stueland	Sturgeon	Swartz	Tyrrell
Van Maanen	Welden		

Absent or not voting, 2:

Byerly

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date, with report of committee recommending amendment and passage was taken up for consideration.

Poffenberger of Dallas offered amendment H—5657 filed by the committee on judiciary and law enforcement as follows:

H—5657

1 Amend Senate File 276 as passed by the Senate as
2 follows:

3 1. Page 2, by inserting after line 14 the
4 following:

5 "Sec. . Section 46.5, Code 1981, is amended
6 by adding the following new unnumbered paragraph:
7 **NEW UNNUMBERED PARAGRAPH.** When a vacancy in an
8 office of an elective judicial nominating commissioner
9 occurs, the clerk of the supreme court shall arrange
10 for the publication of a notice stating the existence
11 of the vacancy and the manner in which the vacancy
12 will be filled in those publications which the clerk
13 of the supreme court deems likely to give reasonable
14 notice to the eligible voting members of the bar of
15 the district in which the vacancy occurs. The election
16 of a district judicial nominating commissioner or
17 the close of nominations for a state judicial
18 nominating commissioner shall not occur until thirty
19 days after the publication of the notice.

20 Sec. . Section 46.7, Code 1981, is amended
21 to read as follows:

22 **46.7 ELIGIBILITY TO VOTE.** To be eligible to vote
23 in elections of judicial nominating commissioners,
24 a member of the bar must have registered in writing
25 with the clerk of the district court of the county
26 of his residence at the last bar registration preceding
27 such election be a resident of the state of Iowa and
28 of the appropriate congressional district as shown
29 by the mailing address of the member on the member's
30 most recent filing with the supreme court for the

31 purposes of showing compliance with continuing legal
 32 education requirements. A judge who has been admitted
 33 to the bar of the state of Iowa shall be considered
 34 a member of the bar.

35 Sec. . Section 46.8, Code 1981, is amended
 36 by striking the section and inserting in lieu thereof
 37 the following:

38 46.8 CERTIFIED LIST. On October 1 of each year
 39 the clerk of the supreme court shall certify a list
 40 of the names, addresses and years of admission of
 41 members of the bar who are eligible to vote for state
 42 and district judicial nominating commissioners.

43 Sec. . Section 46.9, unnumbered paragraph 4,
 44 Code 1981, is amended to read as follows:

45 Vote for (state number) for Iowa State (or Iowa
 46 Judicial District) judicial nominating
 47 commissioner(s) for term commencing

48 _____ JOHN DOE CANDIDATE'S NAME

49 _____ RICHARD ROE CANDIDATE'S NAME

50 _____

Page 2

1 _____
 2 Sec. . Section 602.18, unnumbered paragraph
 3 14, Code 1981, is amended to read as follows:
 4 Election district 5A ~~shall consist~~ consists of
 5 the counties of Guthrie, Dallas, Polk, Jasper, Madison,
 6 Warren, and Marion. Election district 5B ~~shall consist~~
 7 consists of the counties of Adair, Adams, Union,
 8 Clarke, Lucas, Taylor, Ringgold, Decatur, and Wayne.
 9 Election district 5C consists of the county of Polk.

10 Sec. . Section 602.45, Code 1981, is amended
 11 to read as follows:

12 602.45 ELIGIBILITY TO VOTE. Eligibility to vote
 13 in elections of judicial magistrate appointing
 14 commissioners within a county shall be registration
 15 as a member of the bar in accordance with sections
 16 46.7 and 46.8, and residency within the county."

17 2. Renumber sections as necessary.

18 3. Amend the title, line 1, by inserting after
 19 the words "relating to" the words "the Iowa judicial
 20 system, and providing for the reorganization of
 21 judicial district five into three judicial election
 22 districts, and providing for".

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5725, to the committee amendment H—5657, filed by him from the floor.

Poffenberger of Dallas offered the following amendment H-5726, to amendment H-5657, filed by her from the floor and moved its adoption:

H-5726

- 1 Amend amendment H-5657 to Senate File 276 as follows:
- 2 1. Page 2, by inserting after line 16 the following:
- 3 "Sec. . Sections 1 and 2 of this Act shall
- 4 not cause the removal from office of any appointive or
- 5 elective member of the state judicial nominating
- 6 commission in office on the effective date of this Act.
- 7 Those persons shall be entitled to serve the remainder
- 8 of the respective terms to which appointed or elected."
- 9 2. Page 2, by inserting after line 16 the following:
- 10 "2. Page 2, by striking lines 15 and 16."

Amendment H-5726, to the committee amendment H-5657, was adopted.

Poffenberger of Dallas moved the adoption of amendment H-5657, as amended.

The committee amendment H-5657, as amended, was adopted.

Spear of Lee offered the following amendment H-3499 filed by him and requested division as follows:

H-3499

- 1 Amend Senate File 276 as passed by the Senate
- 2 as follows:

H-3499A

- 3 1. Page 1, line 10, by inserting after the
- 4 word "expire" the words "at midnight April 30 of".

H-3499B

- 5 2. Page 1, line 32, by striking the word "July"
- 6 and inserting in lieu thereof the word "May".
- 7 3. Page 1, line 33, by striking the words "on
- 8 June" and inserting in lieu thereof the words "at
- 9 midnight April".
- 10 4. Page 2, line 3, by striking the words "on
- 11 June" and inserting in lieu thereof the word "April".
- 12 5. Page 2, line 14, by striking the words "June

- 13 thirtieth" and inserting in lieu thereof the word and
14 figure "April 30".

Spear of Lee moved the adoption of amendment H—3499A.

Amendment H—3499A was adopted.

Spear of Lee asked and received unanimous consent to take up amendment H—3499B before amendment H—3500.

Spear of Lee moved the adoption of amendment H—3499B.

Amendment H—3499B was adopted.

Spear of Lee called up for consideration amendment H—3500 filed by him and moved its adoption:

H—3500

- 1 Amend Senate File 276 as passed by the Senate
2 as follows:
3 1. Page 1, line 10, by inserting after the word
4 "the" the word "appointed".
5 2. Page 1, line 33, by inserting after the word
6 "the" the word "elected".

Amendment H—3500 was adopted.

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H—3651 filed by Poffenberger and Gross on April 14, 1981 and found on pages 2391 through 2393 of the 1981 House Journal.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 276)

The ayes were, 95:

Anderson, J.
Baxter
Branstad
Chiodo

Anderson, R.
Bennett
Bruner
Clark, B. J.

Arnould
Binneboese
Carl
Clark, J. H.

Avenson
Brandt
Carpenter
Clements

Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Johnson, W.

Absent or not voting, 4:

Byerly

Crabb

Lind

Walter

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE FILE 2247 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2247 be deferred and that the bill retain its place on the calendar.

Senate File 2280, a bill for an act relating to restitution by public offenders, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered amendment H—5678 filed by the committee on judiciary and law enforcement as follows:

H-5678

- 1 Amend Senate File 2280, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 24, by striking the words
- 4 "including damages for wrongful death" and inserting
- 5 in lieu thereof the words "in an amount and in the
- 6 manner provided by the offender's plan of restitution".
- 7 2. Page 1, line 25, by striking the word "shall"
- 8 and inserting in lieu thereof the word "may".

Hansen of O'Brien in the chair at 3:40 p.m.

Conlon of Muscatine requested division of the committee amendment H-5678 as follows:

Lines 2 through 6, division A.

Lines 7 through 8, division B.

Halvorson of Clayton moved the adoption of amendment H-5678A.

The committee amendment H-5678A was adopted.

Halvorson of Clayton moved the adoption of amendment H-5678B.

The committee amendment H-5678B lost.

Ritsema of Sioux offered the following amendment H-5705 filed by him and moved its adoption:

H-5705

- 1 Amend Senate File 2280, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 25 and 26, by striking the words
- 4 " , court appointed attorney's fees or the expense
- 5 of a public defender,".
- 6 2. Page 1, by striking lines 30 and 31 and
- 7 inserting in lieu thereof the following: "court
- 8 costs."
- 9 3. Page 2, by striking lines 5 and 6 and inserting
- 10 in lieu thereof the following: "for court costs.
- 11 However, victims shall".
- 12 4. Page 2, by striking lines 8 and 9 and inserting

- 13 in lieu thereof the following: "county for court
14 costs. When no victim has".
15 5. Page 2, by striking lines 11 and 12 and
16 inserting in lieu thereof the following: "able to
17 pay all or a part of the court costs, the court".
18 6. Page 2, by striking lines 26 and 27 and
19 inserting in lieu thereof the following: "prepare
20 a statement of court costs and the same".
21 7. Page 8, by striking lines 3 and 4 and inserting
22 in lieu thereof the following:
23 "Court costs shall not be withheld by the clerk
24 of".

Amendment H—5705 lost.

Ritsema of Sioux offered the following amendment H—5706
filed by him and moved its adoption:

H—5706

- 1 Amend Senate File 2280 as amended, passed and
2 reprinted, as follows:
3 1. Page 2, line 27, by striking the words "and
4 the same" and inserting in lieu thereof the word
5 "which".
6 2. Page 2, line 34, by striking the words
7 "examination of" and inserting in lieu thereof the
8 words "examination, or both, of".
9 3. Page 2, line 35, by striking the words "or
10 both,".

Amendment H—5706 was adopted.

Spear of Lee offered the following amendment H—5702 filed by
him and moved its adoption:

H—5702

- 1 Amend Senate File 2280 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 5, lines 1 and 2, by striking the words
4 "facts and".
5 2. Page 5, line 6, by striking the words "facts
6 and".
7 3. Page 5, line 15, by striking the words "facts
8 and".
9 4. Page 5, line 19, by striking the words "facts
10 and".
11 5. Page 5, line 30, by striking the words "facts

- 12 and".
 13 6. Page 6, line 3, by striking the words "facts
 14 and".
 15 7. Page 6, line 9, by striking the words "facts
 16 and".
 17 8. Page 6, line 16, by striking the words "facts
 18 and".

Amendment H—5702 was adopted.

Spear of Lee offered the following amendment H—5699 filed by him and moved its adoption:

H—5699

- 1 Amend Senate File 2280, as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 8, line 26, by inserting after the word
 4 "furnished" the words "in writing".
 5 2. Page 8, line 29, by striking the words ", in
 6 writing" and inserting in lieu thereof the words "; in
 7 writing".

Amendment H—5699 was adopted.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2280)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud

Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, 1:

Johnson, R.

Absent or not voting, 3:

Byerly

Norland

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 460, a bill for an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine rose on a point of order invoking Rule 37, rereferring Senate File 460 to the committee on ways and means.

The Speaker ruled the point not well taken and Rule 37 not in order.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 460)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson

Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker (Hansen of O'Brien)

The nays were, none.

Absent or not voting, 4:

Byerly	Davitt	Walter	Welden
--------	--------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 578, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election, with report of committee recommending passage was taken up for consideration.

Fey of Scott offered the following amendment H—5567 filed by him and moved its adoption:

H—5567

- 1 Amend Senate File 578 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 13 and 14 and
- 4 inserting in lieu thereof the following: "a
- 5 nonpartisan basis shall be called by the council upon
- 6 receipt".

Amendment H—5567 lost.

Arnould of Scott moved that Senate File 578 be rereferred to the committee on cities.

Speaker Stromer in the chair at 4:54 p.m.

On the motion to rerefer Senate File 578 to the committee on cities, a non-record roll call was requested.

The ayes were 39, nays 55.

The motion lost.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 578)

The ayes were, 57:

Anderson, J.	Baxter	Bennett	Branstad
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 39:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Carl	Chiodo
Cochran	Connolly	Connors	Copenhaver
Dieleman	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Jay	Jochum	Knapp	Lonergan
Norland	O'Kane	Oxley	Pavich
Pelton	Poncy	Rapp	Renaud
Rosenberg	Running	Sturgeon	Sullivan
Swartz	Welsh	Woods	

Absent or not voting, 4:

Byerly	Howell	Lloyd-Jones	Walter
--------	--------	-------------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, with report of committee recommending amendment and passage was taken up for consideration.

Stueland of Clinton offered amendment H-5600 filed by the committee on natural resources as follows:

H-5600

- 1 Amend Senate File 2234 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 "for irrigation purposes".

Schroeder of Pottawattamie offered the following amendment H-5734, to amendment H-5600, filed by him from the floor and moved its adoption:

H-5734

- 1 Amend amendment H-5600 to Senate File 2234 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and inserting
- 5 in lieu thereof the following:
- 6 "1. Page 1, by striking lines 4 through 6 and
- 7 inserting in lieu thereof the following: "455A.18
- 8 or 455A.28 discloses that an existing permitted use
- 9 is causing the pumping system to fail".

Amendment H-5734, to the committee amendment H-5600, was adopted.

Stueland of Clinton moved the adoption of amendment H-5600, as amended.

The committee amendment H-5600, as amended, was adopted, placing out of order amendment H-5549 filed by Stueland of Clinton, et al., on March 24, 1982.

Mann of Greene offered the following amendment H-5653 filed by her and moved its adoption:

H-5653

- 1 Amend Senate File 2234 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the word "pumping"
- 4 and inserting in lieu thereof the word "delivery".
- 5 2. Page 1, line 7, by striking the word "pumped"
- 6 and inserting in lieu thereof the words "which supplies
- 7 water".
- 8 3. Page 1, line 19, by inserting after the word
- 9 "affected" the words "artesian well or the affected".

Amendment H-5653 was adopted.

Jay of Appanoose moved to reconsider the vote by which the committee amendment H-5600, as amended, passed the House on April 6, 1982.

A non-record roll call was requested.

The ayes were 51, nays 39.

The motion prevailed and the House reconsidered the committee amendment H-5600, as amended.

Jay of Appanoose moved to reconsider the vote by which amendment H-5734, to amendment H-5600, passed the House on April 6, 1982.

Roll call was requested by Schroeder of Pottawattamie and O'Kane of Woodbury.

On the question "Shall the House reconsider amendment H-5734?"

The ayes were, 52:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Bruner	Carl	Chiodo
Clark, B. J.	Clements	Cochran	Conlon
Connolly	Connors	Copenhaver	Davitt
Dieleman	Doderer	Egenes	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Hanson, D.	Horn	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	Loneragan
Mann	McKean	Mullins	Norland

O'Kane	Oxley	Pavich	Pelton
Poncy	Rapp	Rosenberg	Running
Smalley	Spear	Sturgeon	Sullivan
Swartz	Trucano	Welden	Welsh

The nays were, 41:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Halvorson, R. A.	Hansen, I.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Lind	Maulsby	Menke
Pellett	Petrick	Poffenberger	Pope
Renaud	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smith	Stueland
Swearingen	Tofte	Tyrrell	Van Maanen
Mr. Speaker			

Absent or not voting, 7:

Brandt	Byerly	Gross	Howell
Lageschulte	Walter	Woods	

The motion prevailed and the House reconsidered amendment H—5734, to the committee amendment H—5600.

SENATE FILE 2234 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2234 be deferred and that the bill be placed on the Unfinished Business Calendar.

Pope of Polk moved that the House be adjourned at 5:50 p.m., until 9:00 a.m., Wednesday, April 7, 1982.

A non-record roll call was requested.

The ayes were 67, nays 8.

The motion prevailed.

MOTIONS TO RECONSIDER

(Amendment H—5610 to Amendment H—5537 to Senate File 2091)

I move to reconsider the vote by which amendment H—5610 to

amendment H—5537 to Senate File 2091 failed to be adopted by the House on April 6, 1982.

HANSON of Delaware

(Amendment H—5689 to Amendment H—5537 to Senate File 2091)

I move to reconsider the vote by which amendment H—5689 to amendment H—5537 to Senate File 2091 was adopted by the House on April 6, 1982.

TRUCANO of Polk

SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for members of the House submits the following supplemental report:

Name	Round Trip Miles
Paul G. Copenhaver	296

Respectfully submitted,
JOHN PELTON
MARVIN E. DIEMER
JOHN H. CONNORS

HOUSE CONCURRENT RESOLUTION 141

By Pope and Avenson

1 *Whereas*, equal employment opportunity regulations
2 and Title VII of the Civil Rights Act of 1964 have
3 not eliminated the disproportionate representation of
4 men and women in certain occupations and jobs and
5 unequal pay of men and women in the work force; and

6 *Whereas*, the Women's Bureau of the United States
7 Labor Department reports that earnings have dropped
8 for full-time year-round female workers, of all levels
9 of education, from an average of sixty-four cents for
10 every dollar earned by men in 1955, to an average of
11 fifty-nine cents for every dollar earned by men in
12 1979; and

13 *Whereas*, in 1977, women with four years of college
14 received lower incomes than men who completed only
15 the first eight grades; and fully employed women who
16 were high school graduates received a lower average

17 income than fully employed men who had not completed
18 elementary school; and

19 *Whereas*, there is not a law or regulation mandating
20 that employers pay the same salary to persons who work
21 in occupations that require the same skill, effort,
22 responsibility, and environmental or job factors; and

23 *Whereas*, appropriate salary ranges can be determined
24 by a point count system of measurement which allows
25 job comparisons on value of the work and equality of
26 pay to be arrived at through a standard which dis-
27 regards sex and race in arriving at the appropriate
28 salary ranges; *Now Therefore*,

29 *Be It Resolved by the House of Representatives, the*
30 *Senate Concurring*, That the Legislative Council is

Page 2

1 urged to establish a study committee to examine equal
2 pay for work of equal value during the 1982 interim
3 composed of members of both political parties and both
4 houses; and

5 *Be It Further Resolved*, That the study committee
6 consider the issues involved in the equal worth concept,
7 particularly those relating to the elimination of pay
8 discrimination through the establishment of "equal pay
9 for work of equal value" principles and make recommenda-
10 tions to the 1983 Session of the Iowa General Assembly
11 accompanied by proposed rule changes or bill drafts as
12 necessary to carry out the recommendations of the study
13 committee.

Laid over under Rule 30.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 1982, he approved and transmitted to the Secretary of State the following bills:

Senate File 24, an act relating to the requirement that plans and specifications for new health care facilities and remodeling of or additions to existing health care facilities be submitted to the department of health for preliminary inspection and approval or recommendations and that the department either waive or pay the costs to correct any deficiencies which were not noted by the department in the plans or specifications.

Senate File 536, an act relating to multidisciplinary team access to child abuse information.

Senate File 2086, an act exempting individual farm owner accounts from examination by the Iowa Real Estate Commission.

Senate File 2097, an act allowing the certification of floor plans for a building as required under Chapter 499B by a registered land surveyor.

Senate File 2163, an act relating to the performance of unpaid community service by defendants convicted of crimes.

Senate File 2197, an act relating to license and permit suspensions and revocations by certain juvenile offenders and permitting the taking of tests to determine the alcoholic content of blood of certain juveniles taken into custody.

Senate File 2201, an act to authorize the State Department of Transportation to enter into agreements for the collection and refunding of interstate motor fuel tax.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, April 5, 1982. Had I been present I would have voted "aye" on Senate Files 2172, 2203, 2242, 2245, 2281 and "nay" on Senate File 482.

LONERGAN of Boone

PRESENTATION OF VISITORS

Carpenter of Polk presented to the House, the Honorable Patricia Thompson, former member of the House representing Polk county.

The Speaker announced that the following visitors were present in the House chamber:

Five students from the gifted and talented program, Merrill Junior High School, Des Moines. By Mullins of Kossuth.

Thirty-six eighth grade students from St. John School, Bancroft, accompanied by Mrs. Madelyn Summit. By Branstad of Winnebago.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 549, a bill for an act relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5710.

Senate File 559, a bill for an act deleting the population requirement for counties to levy a tax for the operation, maintenance, and management of a health center.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 723), relating to the issuance of bonds payable from the hotel and motel tax.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 756), to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H—5709	H.F. 796	Senate Amendment
H—5710	S.F. 549	Committee on
		Ways and Means
H—5712	S.F. 2091	Spear of Lee
H—5713	S.F. 2218	Johnson of Linn
		Schroeder of Pottawattamie
H—5714	S.F. 2218	Johnson of Linn
		Schroeder of Pottawattamie

H-5715	S.F.	2218	Conlon of Muscatine
H-5716	S.F.	2218	Conlon of Muscatine
H-5717	S.F.	2218	Conlon of Muscatine
H-5718	S.F.	2243	Schnekloth of Scott
			Crabb of Crawford
			McKean of Jones
			Pelton of Clinton
			Clark of Lee
			Stueland of Clinton
H-5719	S.F.	2259	Chiodo of Polk
H-5720	S.F.	2091	Schroeder of Pottawattamie
H-5721	S.F.	2218	Bennett of Ida
H-5722	S.F.	2286	Pellett of Cass
			Cochran of Webster
H-5723	S.F.	268	Spear of Lee
H-5724	S.F.	2215	Carpenter of Polk
			Swearingen of Keokuk
H-5728	S.F.	2218	Johnson of Linn
H-5729	S.F.	2218	Johnson of Linn
H-5730	S.F.	2233	Johnson of Woodbury
Jay of Appanoose			Menke of O'Brien
Horn of Linn			Swearingen of Keokuk
Groth of Buena Vista			Norland of Worth
Gettings of Wapello			Daggett of Taylor
H-5731	S.F.	2215	Swearingen of Keokuk
H-5732	S.F.	2218	Bennett of Ida
H-5733	S.F.	2218	Mullins of Kossuth
Hanson of Delaware			McKean of Jones
Doderer of Johnson			Krewson of Polk
Lloyd-Jones of Johnson			Smalley of Polk
Hall of Linn			Clark of Cerro Gordo
Norland of Worth			Rosenberg of Story
Hummel of Benton			Poffenberger of Dallas
Egenes of Story			Pelton of Clinton
H-5735	S.F.	2238	Spear of Lee
H-5736	S.F.	2213	Spear of Lee
H-5737	S.F.	2213	Spear of Lee
H-5738	S.F.	2247	Ritsema of Sioux

Pursuant to the previous motion by Pope of Polk, the House was adjourned at 5:50 p.m., until 9:00 a.m., Wednesday, April 7, 1982.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 7, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Paul Lindstrom, pastor of the Advent Lutheran Church, Des Moines.

The Journal of Tuesday, April 6, 1982 was approved.

PETITION FILED

The following petition was received and placed on file:

By Van Maanen of Mahaska, from one hundred seventy constituents of the ninety-first district opposing amendment H—5370 to Senate File 393.

SPECIAL PRESENTATION

Stueland of Clinton presented to the House Michelle Holdorf of Donahue, a sixth grader at John Glenn School, North Scott District.

Michelle, was born without legs and only one arm and through the efforts of the Shriner's Crippled Children's Hospital in Chicago, she has been fitted with a mechanical arm and legs and is able to participate in all of her school activities. She is a member of the school safety patrol, a student helper, a member of the Girl Scouts and loves to swim. She was elected Sweetheart of the Shriner's International Clown's Association in 1981 and has been an inspiration to all of her fellow students.

Michelle was accompanied by her Principal, Mr. Joe Ragona; teacher, Sharon Braunschweig and fellow students, Heather Schneider, Wendy Keppy, Katie O'Connor, Laura Schnoor, Cindy

Long, Jessie Petersen, Kelly Tobias and Kelly McFate; all were winners in an essay contest on water conservation.

The House rose and expressed a warm welcome to Michelle and her friends.

INTRODUCTION OF BILL

House File 2480, by Pope and Avenson, a bill for an act exempting officers or employees in the merit system from receiving a leave of absence prior to a primary election if the officers or employees are unopposed as candidates on the official primary election ballot.

Read first time and referred to committee on **state government**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2355, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2372, a bill for an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2373, a bill for an act relating to the continuation of the activities and functions of the energy policy council.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2378, a bill for an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2379, a bill for an act to provide for the interest and earnings of the state fish and game protection fund.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act permitting merged areas to combine the positions of secretary and treasurer.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2394, a bill for an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2399, a bill for an act relating to the date of the annual organization meeting of the board of directors of an area education agency.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2403, a bill for an act including waterworks and related facilities within the definition of essential corporate purpose.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2407, a bill for an act related to the uniform limited partnership act.

Also: That the Senate has on April 5, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2411, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2422, a bill for an act to legalize the proceedings of the Oskaloosa community school district relating to a sale of land.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2431, a bill for an act revising deadlines for drawing election precincts, wards, and supervisor districts and requiring maps of supervisor districts to be filed with the state commissioner of elections.

Also: That the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2432, a bill for an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election.

K. MARIE THAYER, Secretary

On motion by Halvorson of Clayton, the House was recessed at 9:11 a.m., until 10:15 a.m.

The House reconvened, Speaker Stromer in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie, for the remainder of the week, on request of Pavich of Pottawattamie; Welden of Hardin, for a portion of the morning, on request of Hansen of O'Brien.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-eight members present, thirty-two absent.

On motion by Halvorson of Clayton, the House was recessed at 10:28 a.m., until 11:00 a.m.

The House reconvened, Speaker Stromer in the chair.

SENATE FILE 2091 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2091 be deferred and that the bill retain its place on the Unfinished Business Calendar.

CONSIDERATION OF BILL Regular Calendar

Senate File 2247, a bill for an act to authorize the establishment

of nonprofit foundations by the boards of area schools, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux offered the following amendment H-5738 filed by him and moved its adoption:

H-5738

- 1 Amend Senate File 2247 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "school" the words ", to the extent that the action
- 4 is authorized and not prohibited by this chapter".

A non-record roll call was requested.

The ayes were 22, nays 69.

Amendment H-5738 lost.

Connolly of Dubuque offered the following amendment H-5546 filed by him and moved its adoption:

H-5546

- 1 Amend Senate File 2247 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "instances." the following: "Funds from these trusts
- 4 shall not be used for the construction or purchase
- 5 of dormitories or residence halls."

Roll call was requested by Menke of O'Brien and Lageschulte of Bremer.

On the question "Shall amendment H-5546 be adopted?"

The ayes were, 40:

Avenson	Brandt	Branstad	Bruner
Clark, J. H.	Clements	Conlon	Connolly
Copenhaver	Corey	Dieleman	Diemer
Doderer	Egenes	Groth	Hall
Halvorson, R. A.	Hanson, D.	Hoffmann-Bright	Hummel
Jochum	Johnson, R.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	McKean
Menke	Mullins	Pelton	Petrick

Poffenberger
Smith

Ritsema
Stueland

Schnekloth
Van Maanen

Shull
Welsh

The nays were, 58:

Anderson, J.
Binneboese
Chiodo
Cook
Davitt
Gross
Holt
Johnson, J.
Maulsby
Pavich
Rapp
Running
Sturgeon
Tofte
Woods

Arnould
Byerly
Clark, B. J.
Crabb
De Groot
Halvorson, R. N.
Horn
Johnson, W.
Norland
Pellett
Renaud
Schroeder
Sullivan
Trucano
Mr. Speaker

Baxter
Carl
Cochran
Daggett
Fey
Hansen, I.
Howell
Lind
O'Kane
Poncy
Renken
Smalley
Swartz
Tyrrell

Bennett
Carpenter
Connors
Danker
Gettings
Harbor
Jay
Mann
Oxley
Pope
Rosenberg
Spear
Swearingen
Welden

Absent or not voting, 2:

Anderson, R. Walter

Amendment H—5546 lost.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2247)

The ayes were, 86:

Anderson, J.
Bennett
Byerly
Clark, B. J.
Connors
Danker
Egenes
Groth
Hanson, D.
Horn
Jochum
Knapp
Mann
Norland

Anderson, R.
Binneboese
Carl
Clark, J. H.
Cook
Davitt
Fey
Hall
Harbor
Howell
Johnson, J.
Krewson
Maulsby
O'Kane

Arnould
Branstad
Carpenter
Cochran
Crabb
De Groot
Gettings
Halvorson, R. N.
Hoffmann-Bright
Hummel
Johnson, R.
Lind
McKean
Oxley

Baxter
Bruner
Chiodo
Conlon
Daggett
Dieleman
Gross
Hansen, I.
Holt
Jay
Johnson, W.
Lonergan
Mullins
Pavich

Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 13:

Avenson	Brandt	Clements	Connolly
Copenhaver	Corey	Diemer	Doderer
Halvorson, R. A.	Lageschulte	Lloyd-Jones	Menke
Ritsema			

Absent or not voting, 1:

Walter

The bill having received a constitutional majority, was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT TO VOTE

Poffenberger of Dallas asked and received unanimous consent to be recorded as voting "aye" on Senate File 2247.

The vote was so recorded.

On motion by Pope of Polk, the House was recessed at 12:17 p.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

HOUSE FILE 2450 WITHDRAWN

Daggett of Taylor asked and received unanimous consent to withdraw House File 2450 from further consideration by the House.

CONSIDERATION OF BILLS Regular Calendar

Senate File 256, a bill for an act relating to the powers of credit

unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, language contained in a share draft instrument, share draft reserves, and gifts to minors, with report of committee recommending amendment and passage was taken up for consideration.

Johnson of Linn offered the following amendment H—5257 filed by the committee on commerce and moved its adoption:

H—5257

- 1 Amend Senate File 256 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "board" the words "or by a majority vote of members
- 5 voting by mailed ballot according to procedures
- 6 specified by rule of the administrator requiring at
- 7 least twenty days notice to all members, mailed ballots
- 8 ensuring the confidentiality of voters, announcement
- 9 to members of the results of the vote, and preservation
- 10 of the ballots for a reasonable period of time".
- 11 2. Page 2, by striking lines 18 through 35.
- 12 3. Amend the title, by striking lines 3 and 4
- 13 and inserting in lieu thereof the words "be loaned
- 14 to a member, merger, and".
- 15 4. By renumbering sections,

Amendment H—5257 was adopted.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 256)

The ayes were, 93:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.

Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Anderson, R.	Connors	Krewson	Mullins
Rapp	Swartz	Walter	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE FILE 2234 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2234 be deferred and that the bill retain its place on the calendar.

Senate File 2235, a bill for an act to authorize the Iowa natural resources council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville reservoir, effective upon publication, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2235)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
--------------	--------------	---------	---------

Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Gröth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connors	Krewson	Swartz	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swartz of Marshall, for a portion of the afternoon, on request of Avenson of Fayette.

Senate File 2267, a bill for an act to legalize and validate the proceedings of the board of directors of the Iowa western community college (merged area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2267)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Krewson	Swartz	Walter
---------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2294, a bill for an act to legalize the proceedings of the board of supervisors of Lee county relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2294)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Hanson, D. Ritsema

Absent or not voting, 4:

Krewson Swartz Walter Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 452, a bill for an act relating to private fish hatcheries, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 452)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Bennett
Binneboese	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Clark, B. J.
Clements	Cochran	Conlon	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Weiden	Welsh
Woods	Mr. Speaker		

The nays were, 11:

Avenson	Baxter	Chiodo	Clark, J. H.
Connolly	Doderer	Halvorson, R. N.	Knapp
Lloyd-Jones	Ritsema	Rosenberg	

Absent or not voting, 3:

Krewson	Swartz	Walter
---------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a

special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities, with report of committee recommending passage was taken up for consideration.

Fey of Scott offered amendment H-5540 filed by Fey and Arnould as follows:

H-5540

- 1 Amend Senate File 2190, as passed by the Senate,
- 2 as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section 441.21, subsection 11,
- 6 unnumbered paragraph 2, Code 1981, as amended by Acts
- 7 of the Sixty-ninth General Assembly, 1981 Session,
- 8 chapter 144, section 1, is amended by striking the
- 9 unnumbered paragraph."
- 10 2. Amend the title, line 1 by striking all of
- 11 the title after the words "Act" and inserting in lieu
- 12 thereof the words "striking requirements for the
- 13 reform of the schedule of assessment, levy, and
- 14 collection of taxes by a special charter city."

MOTION TO TABLE LOST

O'Kane of Woodbury moved to table Senate File 2190.

A non-record roll call was requested.

The ayes were 33, nays 55.

The motion to table lost.

Fey of Scott moved the adoption of amendment H-5540.

Roll call was requested by Fey of Scott and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H-5540 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Knapp	Lloyd-Jones
Loneragan	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Smith	Spear	Sturgeon
Sullivan	Welsh		

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Norland	Pellet
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Woods	Mr. Speaker	

Absent or not voting, 3:

Krewson	Swartz	Walter
---------	--------	--------

Amendment H—5540 lost.

Schnekloth of Scott offered the following amendment H—5539 filed by him and moved its adoption:

H—5539

- 1 Amend Senate File 2190 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, lines 13 and 14, by striking the word
- 4 and figure "July 1" and inserting in lieu thereof
- 5 the word and figure "June 30".

Amendment H—5539 was adopted.

Smith of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2190)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brandt	Krewson	Swartz	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2240, a bill for an act repealing the statutes relating to certain appliances equipped with a pilot light, with report of committee recommending passage was taken up for consideration.

Pelton of Clinton asked for unanimous consent to defer action on Senate File 2240.

Objection was raised.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2240)

The ayes were 61:

Anderson, J.	Anderson, R.	Bennett	Brandt
Branstad	Byerly	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Diemer
Egenes	Gross	Groth	Hall
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Norland	Oxley	Pavich
Pelton	Petrick	Pope	Renaud
Renken	Running	Schneklloth	Schroeder
Shull	Smith	Stueland	Swearingen
Trucano	Tyrrell	Van Maanen	Woods
Mr. Speaker			

The nays were, 33:

Arnould	Avenson	Baxter	Binneboese
Bruner	Carl	Chiodo	Cochran
Dieleman	Doderer	Fey	Gettings
Halvorson, R. N.	Horn	Howell	Jay
Knapp	Lloyd-Jones	Loneragan	Mullins
O'Kane	Pellett	Poffenberger	Poncy
Rapp	Ritsema	Rosenberg	Smalley
Spear	Sturgeon	Sullivan	Tofte
Welsh			

Absent or not voting, 6:

Connolly	Connors	Krewson	Swartz
Walter	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2264, a bill for an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles, with report of committee recommending passage was taken up for consideration.

Menke of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2264)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Krewson
Welden

McKean

Swartz

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2285)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jochum	Johnson, J.	Johnson, R.
Knapp	Lageschulte	Lind	Lloyd-Jones
Lonergan	Maulsby	Menke	Mullins
Norland	Oxley	Pellett	Pelton
Petrick	Poffenberger	Pope	Rapp
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Mr. Speaker			

The nays were, 19:

Avenson	Byerly	Cochran	Connolly
Connors	Fey	Gettings	Jay
Johnson, W.	Mann	McKean	O'Kane
Pavich	Poncy	Renaud	Renken
Running	Welsh	Woods	

Absent or not voting, 4:

Krewson	Swartz	Walter	Welden
---------	--------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5697 filed by Schroeder, et al., and moved its adoption:

H—5697

- 1 Amend Senate File 2212, as follows:
- 2 1. Page 1, by inserting after line 17, the
- 3 following:
- 4 "The deliberate heating of road taxable motor
- 5 fuel or special fuel by dealers prior to consumer
- 6 sale is a simple misdemeanor."

Amendment H—5697 was adopted.

The following amendment H—5756 filed by Hansen of O'Brien from the floor was adopted by unanimous consent:

H—5756

- 1 Amend Senate File 2212, as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to fuel sales including the temperature of
- 5 fuel sold."

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2212)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross

Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Krewson	Sullivan	Swartz	Walter
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2270, a bill for an act relating to changes in the rules of civil procedure proposed by the supreme court, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2270)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.

Harbor	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Weiden	Welsh	Woods
Mr. Speaker			

The nays were, 2:

O'Kane Sturgeon

Absent or not voting, 5:

Corey Danker Hoffmann-Bright Krewson
Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2274, a bill for an act amending certain provisions of the 1981 mental health reorganization Act and related Code sections relating to the prospective repeal of the Act and the definition of mental health services, with report of committee recommending passage was taken up for consideration.

Clark of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2274)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer

Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Krewson

Pelton

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2268, a bill for an act authorizing the department of public safety to disseminate criminal history data to the department of social services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 2:55 p.m.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2268)

The ayes were, 99:

Anderson, J.
Baxter
Branstad

Anderson, R.
Bennett
Bruner

Arnould
Binneboese
Byerly

Avenson
Brandt
Carl

Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, none.

Absent or not voting, 1:

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2260, a bill for an act relating to coal mining, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2260)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl

Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, none.

Absent or not voting, 2:

Swearingen Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2213, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—5737 filed by him and moved its adoption:

H—5737

- 1 Amend Senate File 2213 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "public" and inserting in lieu thereof the following:
- 5 "residents and property owners in the proposed
- 6 district".

Amendment H—5737 was adopted.

Spear of Lee offered the following amendment H—5736 filed by him and moved its adoption:

H—5736

- 1 Amend Senate File 2213 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "shall" and inserting in lieu thereof the word "may".

Amendment H—5736 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5696 filed by him and moved its adoption:

H—5696

- 1 Amend Senate File 2213 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 16 through 20 and
- 4 inserting in lieu thereof the following: "be drawn
- 5 up by the auditor for an amount approximately fifty-
- 6 five percent of the total indebtedness of the district
- 7 and the board of supervisors must approve by resolution
- 8 the final assessment as made and cause bonds to be
- 9 issued at approximately ten percent greater than the
- 10 total indebtedness of the district in accordance with
- 11 sections 357.20 and 357.21 except that the bonds shall
- 12 be paid, approximately equally, from user charges
- 13 and the assessment. In the case of".

Amendment H—5696 was adopted.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2213)

The ayes were, 95:

Anderson, J.
Baxter
Branstad
Carpenter

Anderson, R.
Bennett
Bruner
Chiodo

Arnould
Binneboese
Byerly
Clark, B. J.

Avenson
Brandt
Carl
Clark, J. H.

Clements	Cochran	Conlon	Connolly
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, none.

Absent or not voting, 5:

Connors	Harbor	Pope	Stromer
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds, with report of committee recommending passage was taken up for consideration.

Pellett of Cass offered the following amendment H-5722 filed by Pellett and Cochran and moved its adoption:

H-5722

- 1 Amend Senate File 2286 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 32, by inserting after the word
- 4 "order." the following: "If the landowner fails to
- 5 comply with the administrative order, the commissioners
- 6 may petition the district court for an order compelling

7 compliance with the order. Upon receiving satisfactory
 8 proof, the court shall issue an order directing
 9 compliance with the administrative order and may
 10 modify the administrative order. The provisions of
 11 section 467A.50 relating to notice, appeals and
 12 contempt of court shall apply to proceedings under
 13 this subsection."

Amendment H—5722 was adopted.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2286)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 4:

Binneboese

Doderer

Poffenberger

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2156, a bill for an act relating to the issuance of certificates of title by the clerk of the district court, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2156)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 4:

Clark, J. H.	Connors	Walter	Welden
--------------	---------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to place Senate Joint Resolution 13 and Senate File 2215 at the top of the Daily Debate Calendar for Thursday, April 8, 1982.

Senate File 2238, a bill for an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered amendment H-5735 filed by him as follows:

H-5735

- 1 Amend Senate File 2238 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, lines 10 and 11, by striking the
- 4 words "special charter" and inserting in lieu thereof
- 5 the words "special charter".

Spear of Lee offered the following amendment H-5750, to amendment H-5735, filed by him from the floor and moved its adoption:

H-5750

- 1 Amend amendment H-5735 to Senate File 2238 as
- 2 amended, passed and reprinted by the Senate, as follows:
- 3 1. Page 1, by adding after line 5 the following:
- 4 "2. Page 1, line 11, by inserting after the word
- 5 "city" the words "of less than one hundred eighty
- 6 thousand population and".

Amendment H-5750, to amendment H-5735, was adopted.

Byerly of Polk rose on a point of order that amendment H-5735, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-5735, as amended, not germane.

Schroeder of Pottawattamie moved that the bill be read a last

time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2238)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Rosenberg	Running	Schneklath	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, 2:

Knapp Ritsema

Absent or not voting, 6:

Conlon	Norland	Pelton	Smalley
Stromer	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund, with report of committee recommending passage was taken up for consideration.

SENATE FILE 2193 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2193 be temporarily deferred and that the bill retain its place on the calendar.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to add Senate Files 2253 and 2278 to the top of the Daily Debate Calendar for Thursday, April 8, 1982.

The House stood at ease at 3:45 p.m., until the fall of the gavel.

The House resumed session at 5:33 p.m. and consideration of **Senate File 2193**, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund, Speaker Stromer in the chair.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2193)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema

Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Davitt	Patrick	Sturgeon	Tofte
Walter			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2477 REREFERRED

Pope of Polk asked and received unanimous consent to rerefer House File 2477 from the **appropriations calendar** to the committee on **appropriations**.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to place Senate Files 268 and 2220 on the Daily Debate Calendar for Thursday, April 8, 1982.

MOTIONS TO RECONSIDER

(Senate File 2240)

I move to reconsider the vote by which Senate File 2240 passed the House on April 7, 1982.

JOHNSON of Linn

(Senate File 2240)

I move to reconsider the vote by which Senate File 2240 passed the House on April 7, 1982.

PELTON of Clinton

(Senate File 2240)

I move to reconsider the vote by which Senate File 2240 passed the House on April 7, 1982.

NORLAND of Worth

(Senate File 2240)

I move to reconsider the vote by which Senate File 2240 passed the House on April 7, 1982.

GROTH of Buena Vista

(Senate File 452)

I move to reconsider the vote by which Senate File 452 passed the House on April 7, 1982.

NORLAND of Worth

(Senate File 2285)

I move to reconsider the vote by which Senate File 2285 passed the House on April 7, 1982.

HANSON of Delaware

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2398, a bill for an act relating to a penalty for taking certain game and fish in violation of law.

K. MARIE THAYER, Secretary

REPORT OF HOUSE ADMINISTRATION COMMITTEE

The following is a list of changes in the 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>
Research Analyst	Shirley White	24-1	P-FT	4/05/82

The following is a list of resignations:

Research Analyst	Sharon R. Robinson			3/05/82
------------------	--------------------	--	--	---------

JOHNSON of Howard, Chair

SPONSOR ADDED

(Amendment H—5698 to Senate File 2218)

Mullins of Kossuth requested to be added as a sponsor of amendment H—5698 to Senate File 2218.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday afternoon, April 6, 1982. Had I been present, I would have voted "nay" on Senate File 578.

HOWELL of Floyd

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber on April 6, 1982:

Fifty-two sixth grade students from Logan-Magnolia Elementary School, Logan, accompanied by Lowell Arps, Principal; James Rider and Becky Freemyer. By Crabb of Crawford.

Twenty-four Camp Fire Girls from Tipton, accompanied by Nancy Regennitter. By Stueland of Clinton.

The Speaker announced that the following visitors were present in the House chamber on April 7, 1982:

Thirty-five tenth and eleventh grade students from Urbandale High School, Urbandale, accompanied by Ronda Harwood. By Krewson of Polk.

Fifty fifth grade students from Lakeview Elementary School, Centerville, accompanied by Miss Hayes and Miss Stephens. By Jay of Appanoose.

Twenty-five sixth grade students from Gilmore City-Bradgate School District, Gilmore City, accompanied by Darlene Hudek. By Cochran of Webster.

Twenty-eight National Honor Society students from Iowa Falls Senior High School, Iowa Falls, accompanied by Carman Hammerberg. By Welden of Hardin.

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
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5739	H.F. 2355	Senate Amendment
H-5740	H.F. 2411	Senate Amendment
H-5741	S.F. 2233	Spear of Lee
H-5742	S.F. 2233	Spear of Lee
H-5743	S.F. 2233	Spear of Lee
H-5744	S.F. 2234	Schroeder of Pottawattamie
H-5745	S.F. 2233	Spear of Lee
H-5746	S.F. 2233	Spear of Lee

H-5747	S.F. 2233	Spear of Lee
H-5748	S.F. 2233	Spear of Lee
H-5749	S.F. 2233	Spear of Lee
H-5751	S.F. 2233	Spear of Lee
H-5752	S.F. 2233	Spear of Lee
H-5753	S.F. 2233	Spear of Lee
H-5754	H.F. 2398	Senate Amendment
H-5755	S.F. 2243	Running of Linn
H-5757	S.F. 2234	Schroeder of Pottawattamie
H-5758	S.F. 2243	Hall of Linn
H-5759	S.F. 2243	Hall of Linn
H-5760	S.F. 2243	Hall of Linn
H-5761	S.F. 2233	Swartz of Marshall
H-5762	S.F. 2233	Spear of Lee
H-5763	S.F. 2233	Swartz of Marshall
H-5764	S.F. 2218	Swartz of Marshall
		Carpenter of Polk
H-5765	S.F. 2218	Pellett of Cass
H-5766	S.F. 2218	Johnson of Linn
Schroeder of Pottawattamie		Chiodo of Polk
Byerly of Polk		Hansen of O'Brien
Welsh of Dubuque		Halvorson of Clayton
Jay of Appanoose		Pavich of Pottawattamie
		Renken of Grundy
H-5767	S.F. 2233	Doderer of Johnson
Smalley of Polk		Anderson of Audubon
Johnson of Howard		Poffenberger of Dallas
Pavich of Pottawattamie		Rapp of Black Hawk
Avenson of Fayette		Mullins of Kossuth
Baxter of Des Moines		Clark of Cerro Gordo
Smith of Scott		Branstad of Winnebago
Krewson of Polk		Pelton of Clinton
Ritsema of Sioux		Hoffmann-Bright of
Fey of Scott		Muscatine
Lloyd-Jones of Johnson		Hall of Linn
Davitt of Warren		De Groot of Lyon
Connors of Polk		Arnould of Scott
Carpenter of Polk		Stueland of Clinton
Sullivan of Van Buren		Pellett of Cass
Lonergan of Boone		Poncy of Wapello
Woods of Polk		Tyrrell of Iowa
Johnson of Woodbury		Welsh of Dubuque

Carl of Poweshiek
 Crabb of Crawford
 Egenes of Story
 Horn of Linn
 Running of Linn
 Swearingen of Keokuk

H-5768 S.F. 2243

H-5769 S.F. 2243

H-5770 S.F. 2233

Davitt of Warren
 Daggett of Taylor
 Lind of Black Hawk
 Stueland of Clinton
 Clements of Scott
 Renken of Grundy
 Ritsema of Sioux
 Branstad of Winnebago

H-5771 S.F. 2233

H-5772 S.F. 2243

H-5773 S.F. 2234

H-5774 S.F. 2243

H-5775 S.F. 2234

H-5776 S.F. 2243

H-5777 S.F. 2218

H-5778 S.F. 2218

H-5779 S.F. 2218

H-5780 S.F. 2218

Brandt of Black Hawk
 Johnson of Linn
 Schroeder of Pottawattamie
 Chiodo of Polk
 Trucano of Polk
 Mann of Greene
 Harbor of Mills
 Stueland of Clinton
 Stueland of Clinton
 Smalley of Polk
 Van Maanen of Mahaska
 Mann of Greene
 Pellett of Cass
 Tyrrell of Iowa
 Johnson of Howard
 Swearingen of Keokuk
 Gross of Ringgold
 Hansen of O'Brien
 Crabb of Crawford
 Welsh of Dubuque
 Smalley of Polk
 Schroeder of Pottawattamie
 Jay of Appanoose
 Stueland of Clinton
 O'Kane of Woodbury
 Byerly of Polk
 Running of Linn
 Smalley of Polk
 Johnson of Linn
 Smith of Scott
 Krewson of Polk
 O'Kane of Woodbury
 Johnson of Linn
 Smith of Scott
 Krewson of Polk
 O'Kane of Woodbury
 Johnson of Linn
 Smith of Scott
 Krewson of Polk
 O'Kane of Woodbury
 Dieleman of Marion
 Baxter of Des Moines

H-5781

S.F. 2218

Pelton of Clinton

On motion by Pope of Polk, the House adjourned at 5:53 p.m., until 9:00 a.m., Thursday, April 8, 1982.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day—Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 8, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Otto Steele, pastor of the Epworth United Methodist Church, Des Moines.

The Journal of Wednesday, April 7, 1982 was approved.

INTRODUCTION OF BILL

House File 2481, by Pope and Avenson, a bill for an act relating to the certified eligible list for promotion for city civil service.

Read first time and referred to committee on cities.

CONSIDERATION OF BILLS

Regular Calendar

Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the distribution of money subject to the support and maintenance of common schools.

Be It Resolved by the General Assembly of the State of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 7, subdivision 2 entitled "School Funds and School Lands", of Article IX of the Constitution of the State of Iowa is repealed.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the general assembly to be chosen at the next general election for members of the general assembly and the secretary of state is directed to cause it to be published for three consecutive months before the date of that election as pro-

vided by law, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 13)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Cook	Copenhaver
Corey	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell*	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklath	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brandt	Byerly	Carl	Crabb
Egenes	Krewson	Lind	Rapp
Walter			

The joint resolution, having received a constitutional majority was declared to have been adopted and agreed to by the House.

Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the

management and supervisory personnel of the employees covered by the agreement, with report of committee recommending amendment, and passage was taken up for consideration.

Carpenter of Polk offered amendment H—5668 filed by the committee on state government as follows:

H—5668

- 1 Amend Senate File 2215 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 19 through 23 and
- 4 inserting in lieu thereof the following: "bargaining
- 5 agreement negotiated under chapter 20. An employee
- 6 of the department of public safety who has earned
- 7 benefits of payment of premiums under a collective
- 8 bargaining agreement and who becomes a manager or
- 9 supervisor and is no longer covered by the agreement
- 10 shall not lose the benefits of payment of premium
- 11 earned while covered by the agreement. The payment
- 12 shall".
- 13 2. Page 2, by inserting after line 4 the following:
- 14 "Sec. 2. An employee of the department of public
- 15 safety who retires during the year following the
- 16 effective date of this Act shall be eligible for
- 17 payment of life or health insurance premiums as
- 18 provided for in the collective bargaining agreement
- 19 covering the public safety bargaining unit if that
- 20 employee previously served in a position which would
- 21 have been covered by that agreement. The employee
- 22 shall be given credit for the service in that prior
- 23 position as though it was covered by the agreement."

Carpenter of Polk offered the following amendment H—5724, to amendment H—5668, filed by Carpenter and Swearingen and moved its adoption:

H—5724

- 1 Amend amendment H—5668 to Senate File 2215 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "safety" the words "or the state conservation
- 5 commission".
- 6 2. Page 1, line 15, by inserting after the word
- 7 "safety" the words "or the state conservation
- 8 commission".

Amendment H—5724, to the committee amendment H—5668, was adopted.

Swearingen of Keokuk offered the following amendment H—5731, to amendment H—5668, filed by him and moved its adoption:

H—5731

- 1 Amend amendment H—5668 to Senate File 2215,
- 2 as follows:
- 3 1. Page 1, line 15, by striking the word
- 4 "following" and inserting in lieu thereof the words
- 5 "beginning on".

Amendment H—5731, to the committee amendment H—5668, was adopted.

Bennett of Ida in the chair at 9:53 a.m.

Carpenter of Polk moved the adoption of amendment H—5668, as amended.

The committee amendment H—5668, as amended, was adopted.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2215)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Binneboese	Brandt	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Rosenberg	Running	Schnekloth	Schroeder

Shull
Sturgeon
Tofte
Woods

Smith
Sullivan
Trucano
Mr. Speaker
(Bennett)

Spear
Swartz
Van Maanen

Stueland
Swearingen
Welsh

The nays were, 10:

Branstad
Johnson, J.
Smalley

Clements
Johnson, R.
Tyrrell

Cook
Maulsby

Doderer
Renken

Absent or not voting, 4:

Lind

Stromer

Walter

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lind of Black Hawk, for the morning session, on request of Shull of Warren.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2285)

Hanson of Delaware asked and received unanimous to withdraw the motion to reconsider Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electronic voting system and effective upon publication, filed on April 7, 1982.

Senate File 2278, a bill for an act relating to obscenity offenses and providing penalties, with report of committee recommending passage was taken up for consideration.

Johnson of Howard moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2278)

The ayes were, 93:

Anderson, J.
Baxter

Anderson, R.
Binneboese

Arnould
Branstad

Avenson
Bruner

Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petric	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrrell	Van Maanen	Welsh
Mr. Speaker (Bennett)			

The nays were, none.

Absent or not voting, 7:

Brandt	Davitt	Lind	Stromer
Walter	Welden	Woods	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication, with report of committee recommending passage was taken up for consideration.

SENATE FILE 2253 TEMPORARILY DEFERRED

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on Senate File 2253.

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered amendment H—5687 filed by the committee on judiciary and law enforcement as follows:

H-5687

1 Amend Senate File 268 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. Sections 2 through 8 of this Act are
6 enacted as a new chapter of the Code.

7 Sec. 2. NEW SECTION. CONDUCT REVIEW. A conduct
8 review committee or an independent hearing officer
9 shall be established at each institution under the
10 department of social services, division of adult
11 corrections. Each committee established shall consist
12 of three members who shall be appointed by the director
13 of the division of adult corrections. Each independent
14 hearing officer shall be appointed by the director
15 of the division of adult corrections. The committees
16 or hearing officers, or both, shall review the conduct
17 of inmates in the custody of their respective
18 institutions, as provided in section 4 of this Act.

19 Sec. 3. NEW SECTION. GOOD CONDUCT TIME. Each
20 inmate of an institution under the department of
21 social services, division of adult corrections, shall
22 be given a reduction of sentence pursuant to the rules
23 of the department which reduction shall not be more
24 than one day for each day of good conduct of the
25 inmate while committed to one of the division's
26 institutions. However, the accumulation of good
27 conduct time is subject to the maximum limits which
28 may be earned and applied to the reduction of an
29 offender's sentence pursuant to section 12 of this
30 Act. If the rules of the department reduce the amount
31 of sentence reduction that may be earned for each
32 day of good conduct, the amount of sentence reduction
33 already earned by an inmate shall not be reduced
34 retroactively, although it may be reduced prospectively
35 and may be subject to forfeiture pursuant to section
36 4 of this Act. Computation of good conduct time is
37 subject to the following conditions:

38 1. Time served in jail or other facility, credited
39 by the clerk of court prior to actual placement in
40 a correctional institution, shall accrue for purposes
41 of reduction of sentence under this section.

42 2. Time spent during escape shall be forfeited
43 for purposes of reduction of sentence under this
44 section. An inmate who intentionally escapes shall
45 forfeit all good conduct time accrued and not forfeited
46 prior to the escape, unless the inmate voluntarily
47 surrenders.

48 3. Time between parole violation or violation
49 of supervised release as defined in section 11,
50 subsection 10 of this Act, and incarceration shall

Page 2

1 be forfeited for purposes of reduction of sentence
2 under this section.

3 4. Time spent during parole or supervised release
4 as defined by section 11, subsection 11, shall not
5 accrue for purposes of reduction of sentence under
6 this section.

7 5. Good conduct time shall not accrue to an inmate
8 while serving a life sentence. However, good conduct
9 time shall accrue after an inmate's life sentence
10 is commuted and shall be computed as of the date of
11 commutation, not the date of commitment to the custody
12 of the director.

13 6. Except in life sentences, good conduct time
14 shall be credited to the maximum sentence on a periodic
15 basis.

16 Sec. 4. NEW SECTION. LOSS OR FORFEITURE OF GOOD
17 CONDUCT TIME.

18 1. Upon finding that an inmate has violated an
19 institutional rule, the conduct review committee or
20 the independent hearing officer may order forfeiture
21 of any or all good conduct time earned and not
22 forfeited up to the date of the infraction by the
23 inmate. The conduct review committee or independent
24 hearing officer shall have discretion within the
25 guidelines established pursuant to section 5 of this
26 Act, to determine the amount of time that should be
27 forfeited based upon the severity of the infraction.
28 Prior infractions by the inmate may be considered
29 by the committee or hearing officer in the decision.

30 2. Forfeiture of good conduct time pursuant to
31 this section shall increase by the amount of the
32 forfeiture, the mandatory minimum term of
33 incarceration, the time served before the inmate is
34 periodically reviewed pursuant to section 906.5,
35 subsections 1, 2 and 4, and the time served before
36 the inmate is eligible for earned release.

37 3. The orders of the committee or hearing officer
38 are subject to appeal to the superintendent or warden
39 of the institution who may either affirm, modify,
40 remand for correction of procedural errors, or reverse
41 the order, provided however that in no instance shall
42 any sanctions be increased on appeal. A decision
43 of the superintendent or warden is subject to review
44 by the director of the division of adult corrections
45 who may either affirm, modify, remand for correction
46 of procedural errors, or reverse the decision, provided
47 however that in no instance shall any sanction be
48 increased.

49 4. The director of the division of adult
50 corrections may restore all or any portion of

Page 3

1 previously forfeited good conduct time and may readjust
2 the mandatory term of incarceration, time served
3 before the inmate is periodically reviewed pursuant
4 to section 906.5, subsections 1, 2, and 4, and the
5 time served before the inmate is eligible for earned
6 release, by the amount of the restored good conduct
7 time. Good conduct time forfeited may be restored
8 by the director for acts of heroism or for other
9 extraordinarily meritorious actions. The director
10 shall establish by rule the requirements as to which
11 activities may warrant the restoration of good conduct
12 time and the amount of good conduct time to be
13 restored.

14 5. The inmate disciplinary procedure including
15 but not limited to the method of forfeiting time
16 pursuant to this chapter, is not a contested case
17 subject to chapter 17A.

18 Sec. 5. NEW SECTION. POLICIES AND PROCEDURES.

19 The director of the division of adult corrections,
20 department of social services, shall develop policy
21 and procedural rules to implement sections 2 through
22 4 of this Act. The director shall establish rules
23 specifying as to what constitutes a day of good conduct
24 which rules may require the inmate's employment in
25 the institution, in Iowa state industries, in an
26 inmate employment program established by director,
27 or may require the inmate to participate in an
28 educational program approved by the director, when
29 such employment or programs are available; specifying
30 disciplinary offenses which may result in the loss
31 of good conduct time; and specifying the amount of
32 good conduct time which may be lost as a result of
33 each disciplinary offense.

34 Sec. 6. NEW SECTION. TIME TO BE SERVED—CREDIT.

35 An inmate shall not be discharged from the custody
36 of the director of the division of adult corrections
37 until the inmate has served the full term for which
38 the inmate was sentenced, less good conduct time
39 earned and not forfeited, unless the inmate is pardoned
40 or otherwise legally released. Good conduct time
41 earned and not forfeited shall not apply to reduce
42 a mandatory minimum term of incarceration being served
43 pursuant to section 12 of this Act. The inmate shall
44 be deemed to be serving the sentence from the day
45 on which the inmate is received into the institution.
46 However, if an inmate was confined to a county jail
47 or other correctional or mental facility at any time
48 prior to sentencing, or after sentencing but prior
49 to the case having been decided on appeal, because
50 of failure to furnish bail or because of being charged

Page 4

1 with a nonbailable offense, the inmate shall be given
2 credit for the days already served upon the term of
3 the sentence. The clerk of the district court of
4 the county from which the inmate was sentenced, shall
5 certify to the warden the number of days so served.

6 An inmate shall not receive credit upon the inmate's
7 sentence for time:

8 a. Spent in custody in another state resisting
9 return to Iowa following an escape; or

10 b. Served in an institution or jail of another
11 jurisdiction during any period of time the person
12 is receiving credit upon a sentence of that other
13 jurisdiction.

14 Sec. 7. NEW SECTION. GOOD AND HONOR TIME
15 APPLICATION. Sections 246.38, 246.39, 246.41, 246.42,
16 246.43, and 246.45 as the sections appear in the 1981
17 Code, remain in effect for those inmates sentenced
18 for offenses committed prior to July 1, 1982.

19 Sec. 8. NEW SECTION. SEPARATE SENTENCES. When
20 an inmate is committed under several convictions with
21 consecutive sentences, they shall be construed as
22 one continuous sentence in the granting or forfeiting
23 of good conduct time.

24 Sec. 9. LEGISLATIVE INTENT. Whereas, the Iowa
25 general assembly recognizes the limited amount of
26 resources and physical space available to incarcerate
27 public offenders sentenced to the custody of the
28 director of the division of adult corrections of the
29 department of social services, and

30 Whereas, this limited amount of resources and
31 physical space limits the number of people that can
32 be incarcerated in the state penal and correctional
33 facilities, and given the limited resources and
34 physical space, it is the public policy of the state
35 and intent of this bill to incarcerate the most
36 dangerous offenders and the offenders who are the
37 most likely to commit further crime if not
38 incarcerated.

39 Sec. 10. NEW SECTION. SHORT TITLE. Sections
40 10 through 13 of this Act may be cited as the "Iowa
41 Classified Sentencing Act".

42 Sec. 11. NEW SECTION. DEFINITIONS. For purposes
43 of this Act:

44 1. "Director" means the director of the division
45 of adult corrections of the department of social
46 services.

47 2. "Earliest earned release" means an offender's
48 sentence reduced by the maximum amount of good conduct
49 time which may be earned under section 3 of this Act.

50 3. "Mandatory minimum term of incarceration" means

Page 5

1 the shortest possible time of incarceration which
2 an offender shall serve prior to eligibility for
3 release on parole.

4 4. "Mandatory supervised release" means that
5 portion of the unserved sentence which the board of
6 parole requires pursuant to section 13 of this Act,
7 that the offender serve on parole or under supervised
8 release.

9 5. "Maximum indeterminate sentence" means the
10 maximum length of an indeterminate sentence for a
11 particular offense as determined by section 902.9
12 or section 903.1.

13 6. "Nonforcible felony" means a felony which is
14 not a forcible felony as defined by section 702.11.

15 7. "Offender" means a person committed to the
16 custody of the director of the division of adult
17 corrections of the department of social services by
18 reason of the person's commission of a public offense.

19 8. "Periodic review" means the yearly review
20 pursuant to section 906.5, subsections 1, 2 and 4
21 of an offender's suitability for parole.

22 9. "Prior adult conviction record" means
23 convictions for felonies and aggravated misdemeanors
24 in this or any other jurisdiction including federal
25 and military but not foreign.

26 10. "Sentence" means the maximum period of
27 incarceration to which the offender has been sentenced
28 pursuant to section 902.9, 903.1, subsection 1, 901.8,
29 or the applicable sentencing law, for the offense,
30 of which the offender has been convicted.

31 11. "Supervised release" means the release of
32 an offender after the expiration of the term of
33 incarceration but prior to the expiration of his or
34 her sentence as defined by subsection 10, because
35 of the accrual of good conduct time, which release
36 is subject to supervision pursuant to section 13 of
37 this Act.

38 Sec. 12. NEW SECTION. HABITUAL OFFENDER
39 CLASSIFICATION.

40 1. Upon commitment of an offender, other than
41 a class "A" felon, to the custody of the director,
42 the director or the director's designee shall classify
43 the offender. The classification shall be based on
44 the offender's prior adult conviction record and prior
45 delinquency adjudications, as determined by the
46 sentencing court pursuant to section 901.6, by
47 assessing and totaling the applicable points using
48 the following point schedules:

49 POINT SCHEDULE

50 PRIOR ADULT CONVICTIONS

YEARS SINCE CONVICTION

Page 6

	More than 10	5 to 10	Less than 5
1			
2 FORCIBLE FELONY	2	3	4
3 NONFORCIBLE FELONY	1	2	3
4 AGGRAVATED MISDEMEANOR	0	1	2
5	POINT SCHEDULE		
6	PRIOR DELINQUENCY		
7 ADJUDICATION	YEARS OF ADJUDICATION		
	More than 6	3 to 6	Less than 3
8 FORCIBLE FELONY	2	3	4
9 NONFORCIBLE FELONY	1	2	3
10 AGGRAVATED MISDEMEANOR	0	1	2

11 2. A conviction in another jurisdiction of an
 12 offense which would be a forcible felony, nonforcible
 13 felony, or an aggravated misdemeanor if committed
 14 in Iowa, shall be considered as a forcible felony,
 15 nonforcible felony, or aggravated misdemeanor
 16 respectively for purposes of assessing and totaling
 17 applicable points under subsection 1. An adjudication
 18 that a child committed a delinquent act which act
 19 would be a forcible felony, nonforcible felony or
 20 aggravated misdemeanor if committed by an adult in
 21 Iowa, shall be considered as a forcible felony,
 22 nonforcible felony or aggravated misdemeanor
 23 respectively, for purposes of assessing and totaling
 24 applicable points under subsection 1, only if the
 25 child was fifteen years of age or older when the act
 26 was committed.

27 3. An offender's habitual offender classification
 28 as determined by assessing and totaling the applicable
 29 points under subsection 1 shall be as follows:

30 a. An offender who has less than four points is
 31 a nonhabitual offender.

32 b. An offender who has four points is a habitual
 33 offender I.

34 c. An offender who has five points is a habitual
 35 offender II.

36 d. An offender who has six or more points is a
 37 habitual offender III.

38 4. a. After determining the offender's habitual
 39 offender classification pursuant to subsection 3 and
 40 after reviewing the court's finding whether the
 41 offender used a dangerous weapon as defined by section
 42 702.7, in the commission of the offense or offenses
 43 for which the offender is sentenced, the director
 44 or the director's designee, shall assign each offender
 45 a mandatory minimum term of incarceration, a date
 46 of commencement of periodic review, an earliest earned
 47 release date, and a period of mandatory supervised
 48 release, according to the following schedule of
 49 percentages of the maximum indeterminate sentence
 50 for the offense for which the offender is sentenced:

Page 7

1	Habitual	Mandatory		Commencement		Earliest		Period of	
2	Offender	Minimum		Of Periodic		Earned		Mandatory	
3	Classifi-	Term of In-		Review		Release		Supervised	
4	cation	carceration						Release	
5		No		No		No		No	
6		Weapon	Weapon	Weapon	Weapon	Weapon	Weapon	Weapon	Weapon
7	Habitual III	16%	18%	32%	36%	80%	90%	8%	9%
8	Habitual II	14%	16%	28%	32%	70%	80%	7%	8%
9	Habitual I	12%	14%	24%	28%	60%	70%	6%	7%
10	Nonhabitual	10%	12%	20%	24%	50%	60%	5%	6%

11 b. The respective assigned dates on which the
12 mandatory minimum term of incarceration expires, on
13 which the offender is eligible for periodic review,
14 on which the offender may be released due to the
15 earning of good conduct time, and on which the offender
16 may be released after serving a time of a mandatory
17 supervised release pursuant to section 13 of this
18 Act, shall be computed by taking the applicable
19 percentage of the maximum indeterminate sentence for
20 the offense for which the offender is sentenced as
21 indicated by the schedule in paragraph a, converting
22 the percentage to the appropriate number of days and
23 rounding that number to the nearest day.

24 c. A class "A" felon committed to the custody
25 of the director shall not be classified and shall
26 not be assigned a mandatory minimum term of
27 incarceration, date of commencement of periodic review,
28 earliest earned release date, and period of mandatory
29 supervised release, until the class "A" felon's
30 sentence is commuted to a term of years.

31 d. When an inmate is committed under several
32 convictions with consecutive sentences, they shall
33 be construed as one continuous sentence for purposes
34 of determining the mandatory minimum term of
35 incarceration, commencement of periodic review,
36 earliest earned release, and period of mandatory
37 supervised release. When an inmate is committed or
38 recommitted under several convictions with concurrent
39 sentences, the sentence for the offense which results
40 in the most extensive penalty shall apply for purposes
41 of determining the mandatory minimum term of
42 incarceration, commencement of periodic review,
43 earliest earned release, and period of mandatory
44 supervised release.

45 Sec. 13. NEW SECTION. MANDATORY SUPERVISED
46 RELEASE.

47 1. An offender who is released on parole or who
48 is released prior to the expiration of sentence as
49 defined by section 11, subsection 10 of this Act,
50 because of the accrual of good conduct time, shall

Page 8

1 be subject to supervision by the department of social
2 services for a term to be determined by the board
3 of parole which, subject to subsection 2, shall be
4 at least the period of mandatory supervised release
5 as provided for by the schedule of section 12,
6 subsection 4 of this Act.

7 2. However, the period of incarceration together
8 with the period of mandatory supervised release shall
9 not exceed the limits for the respective offense fixed
10 by section 902.9 or section 903.1.

11 3. If an offender violates the conditions of his
12 or her supervised release and the supervised release
13 is revoked pursuant to chapter 908, the offender shall
14 be returned to the custody of the director to serve
15 the remaining unexpired portion of his or her sentence
16 or until released by the board of parole.

17 Sec. 14. NEW SECTION. COMMISSION ESTABLISHED.

18 A commission of eleven members to be known as the
19 sentencing guidelines commission is established.
20 Members of the commission shall include the following:

21 1. The chief justice of the supreme court or the
22 chief justice's designee.

23 2. Two district court judges appointed by the
24 majority vote of the state judicial council.

25 3. One public defender appointed by the governor.

26 4. One county attorney appointed by the governor.

27 5. The director of the division of adult
28 corrections of the department of social services or
29 the director's designee.

30 6. One representative of community corrections
31 appointed by the governor.

32 7. One practicing criminal trial defense attorney
33 appointed by the governor.

34 8. The attorney general of the state or the
35 attorney general's designee.

36 9. Two public members appointed by the governor.

37 In addition to the eleven members of the commission,
38 there shall be two legislative members, one from each
39 house and each from a different political party,
40 appointed by the majority vote of the legislative
41 council, who shall serve as nonvoting members of the
42 commission.

43 Sec. 15. NEW SECTION. LENGTH OF APPOINTMENT.

44 Each voting member of the commission shall be appointed
45 for four years. Each nonvoting member of the
46 commission shall be appointed for two years. Each
47 member shall continue to serve during that time as
48 long as the member occupies the position which made
49 the member eligible for the appointment. Each member
50 shall continue in office until a successor is

Page 9

1 appointed. Members are eligible for reappointment,
2 and appointment may be made to fill an unexpired term.

3 Sec. 16. NEW SECTION. OFFICERS—MEETINGS. The
4 commission shall elect a chairperson and other officers
5 it deems necessary from among its membership. It
6 shall meet on the call of the chairperson or a majority
7 of the members.

8 Sec. 17. NEW SECTION. DUTIES.

9 1. The commission shall, on or before January
10 1, 1984, review the operation of the Iowa classified
11 sentencing act and shall promulgate sentencing
12 guidelines as rules of sentencing for the district
13 court within the limitations set forth by law, based
14 on reasonable offense and offender characteristics.
15 The rules of sentencing promulgated by the commission
16 shall be submitted to the general assembly by January
17 1, 1984 and any amendments to the rules shall be
18 submitted each January 1 thereafter. The general
19 assembly shall by March 1 of each year, either approve
20 or disapprove the rules or amendments by a
21 constitutional majority of each house by a house
22 concurrent resolution or by a senate concurrent
23 resolution. Failure of both houses to disapprove,
24 or failure of either or both houses to act shall
25 constitute approval and adoption of the rules. The
26 adopted rules shall be advisory to the district court
27 and appellate review of judicial sentences is available
28 only if sentences are above or below the guidelines.
29 The adopted rules shall establish:

30 a. The circumstances under which imprisonment
31 of an offender is proper.

32 b. Appropriate sanctions for offenders for whom
33 imprisonment is not proper, which shall make specific
34 reference to noninstitutional sanctions, including
35 but not limited to fines, restitution, work release,
36 community-based correctional programs, probation,
37 deferred judgment, deferred sentence, and suspended
38 sentence.

39 2. In establishing the sentencing rules, the
40 commission shall take into consideration current
41 sentencing and release practices and correctional
42 resources, including but not limited to the capacities
43 of local and state correctional facilities.

44 The rules shall be designed to achieve the purposes
45 of this Act without increasing the medium security
46 and maximum security adult correctional populations
47 above the capacity of the state's medium security
48 and maximum security correctional institutions.

49 3. The commission may adopt, reject, or modify
50 all or part of the Iowa classified sentencing Act

Page 10

1 as the rules of sentencing by the procedure provided
2 for in subsection 1 of this section.

3 4. The commission shall study the impact of the
4 sentencing rules after their implementation, shall
5 serve as a clearing house and information center for
6 the collection, preparation, analysis, and
7 dissemination of information on state and local
8 sentencing practices, and shall conduct ongoing
9 research regarding sentencing rules, use of
10 imprisonment and alternatives to imprisonment, plea
11 bargaining, and other matters relating to the
12 improvement of the criminal justice system. At the
13 beginning of each general assembly the commission
14 may make advisory recommendations to the general
15 assembly regarding the criminal code, criminal
16 procedures, and other aspects of sentencing. Changes
17 to the rules of sentencing shall be submitted to the
18 general assembly and shall be adopted by the procedure
19 for the adoption of rules provided for in section
20 684.19.

21 5. The commission shall, on or before January
22 1, 1983, promulgate criteria for the early parole,
23 release or discharge of inmates in the state's prisons
24 wherever there is declared a prison overcrowding state
25 of emergency. The criteria for release shall be based
26 on reasonable offense and offender characteristics
27 and shall establish a priority of types of offenders
28 to be released or discharged if early parole, release
29 or discharge is authorized by law because of the state
30 of emergency. On and after July 1, 1983, the
31 commission shall have the authority to declare by
32 emergency rule a prison overcrowding state of emergency
33 in the state's penal or correctional facilities
34 operated by the division of corrections, whenever
35 the population of the prison system exceeds a limit
36 to be determined by the commission based on the
37 capacity of the state's penal or correctional
38 facilities and shall have the authority to implement
39 procedures by emergency rule to alleviate the
40 overcrowding situation.

41 Sec. 18. NEW SECTION. EXPENSES. Members of the
42 commission shall receive actual and reasonable
43 expenses, including travel at the state rate set forth
44 in section 18.117. In addition to the reimbursement
45 for expenses as provided for in this section, members
46 of the commission who are not officers or employees
47 of state or local government, shall receive a per
48 diem of forty dollars for each day in which they are
49 engaged in the performance of the duties of the
50 commission. The office of the supreme court

Page 11

1 administrator and the office for planning and
2 programming shall provide necessary staff assistance
3 to the commission in the performance of its duties.

4 Sec. 19. Section 204.406, Code 1981, is amended
5 to read as follows:

6 204.406 DISTRIBUTION TO PERSON UNDER AGE EIGHTEEN.

7 Any person who is eighteen years of age or over who
8 violates section 204.401, subsection 1, by distributing
9 a substance listed in schedule I or II, which is a
10 narcotic drug, to a person under eighteen years of
11 age, shall be guilty of a class "B" felony, ~~however~~
12 ~~the minimum time to be served before parole may be~~
13 ~~granted shall be five years.~~ Any person who is
14 eighteen years of age or over who violates section
15 204.401, subsection 1, by distributing any other
16 controlled substance listed in schedules I, II or
17 III to a person under eighteen years of age who is
18 at least three years his or her junior shall be guilty
19 of a class "C" felony. Any person who is eighteen
20 years of age or over who violates section 204.401,
21 subsection 1 by distributing any controlled substance
22 listed in schedules IV and V to a person under eighteen
23 years of age who is at least three years his or her
24 junior shall be guilty of an aggravated misdemeanor.

25 Sec. 20. Section 204.411, subsection 1, Code 1981,
26 is amended to read as follows:

27 1. Any person convicted of a ~~second or subsequent~~
28 an offense under this chapter, may be punished by
29 imprisonment ~~for a period not to exceed three times~~
30 the term otherwise authorized as provided for by the
31 Code, or fined not more than three times the amount
32 otherwise authorized, or punished by both such
33 imprisonment and fine.

34 Sec. 21. Section 218.40, Code 1981, is amended
35 to read as follows:

36 218.40 SERVICES REQUIRED. Inmates of said
37 institutions subject to the provisions hereinafter
38 provided, may be required to render any proper and
39 reasonable service including hard labor, either in
40 the institutions proper or in the industries
41 established in connection therewith.

42 Sec. 22. Section 232.55, subsection 2, Code 1981,
43 is amended to read as follows:

44 2. The adjudication and disposition of a child
45 and evidence given in a proceeding under this division
46 shall not be admissible as evidence against the child
47 in any subsequent proceeding in any other court before
48 or after reaching majority except in a sentencing
49 proceeding after conviction of a felony or aggravated
50 misdemeanor, and a presentence investigation for these

Page 12

1 offenses may include information as to the adjudication
2 and disposition as evidenced by a proceeding under
3 this division.

4 Sec. 23. Section 245.3, Code 1981, is amended
5 to read as follows:

6 245.3 SERVICE REQUIRED. The superintendent may,
7 with the approval of the state director, require any
8 inmate to perform any service including hard labor,
9 suited to her strength and attainments and which may
10 be needed for the benefit of the reformatory or for
11 the welfare of such the inmate.

12 Sec. 24. Section 245.20, Code 1981, is amended
13 to read as follows:

14 245.20 FEDERAL PRISONERS. Inmates sentenced for
15 any term by any court of the United States may be
16 received by the superintendent into the women's
17 reformatory for the custody of the director and there
18 kept in pursuant of their sentences. Inmates at the
19 women's reformatory committed to the custody of the
20 director may also be transferred to the federal bureau
21 of prisons. If an inmate objects to her transfer
22 to the federal bureau of prisons, the inmate shall
23 be afforded a hearing as provided in section 217-22.

24 Sec. 25. Section 246.11, Code 1981, is amended
25 to read as follows:

26 246.11 FEDERAL PRISONERS. Inmates sentenced for
27 any term by any court of the United States may be
28 received by the warden into the penitentiary or the
29 men's reformatory for the custody of the director
30 and there kept in pursuance of their sentences.
31 Inmates at either the penitentiary or men's reformatory
32 committed to the custody of the director may also
33 be transferred to the federal bureau of prisons.
34 If an inmate objects to his transfer to the federal
35 bureau of prisons, the inmate shall be afforded a
36 hearing as provided in section 217-22.

37 Sec. 26. Section 246.31, Code 1981, is amended
38 to read as follows:

39 246.31 HARD LABOR AND SOLITARY IMPRISONMENT.
40 All commitments to either of said institutions must
41 be are at hard labor. Solitary imprisonment of
42 prisoners shall not be employed except for the purpose
43 of discipline. An inmate may be required to perform
44 any service including hard labor, suited to his
45 strength and attainment and which may be needed for
46 the benefit of the reformatory or penitentiary or
47 for the welfare of the inmate.

48 Sec. 27. Section 663A.2, Code 1981, is amended
49 by adding the following new subsection following
50 subsection 5 and renumbering the remaining subsection:

Page 13

1 NEW SUBSECTION. 6. The person's reduction of
2 sentence pursuant to sections 2 through 8 of this
3 Act has been unlawfully forfeited and the person has
4 exhausted the appeal procedure of section 4, subsection
5 3 of this Act; or

6 Sec. 28. Section 811.5, Code 1981, is amended
7 to read as follows:

8 811.5 BAIL ON APPEAL. After conviction, upon
9 appeal to the appellate court, the defendant must
10 be admitted to bail, if it be from the judgment
11 imposing a fine, upon the undertaking of bail that
12 the defendant will, in all respects, abide the orders
13 and the judgment of the appellate court upon appeal;
14 if from a judgment of imprisonment, except as provided
15 in section 811.1 upon the undertaking of bail that
16 the defendant will surrender in execution of the
17 judgment and direction of the appellate court, and
18 in all respects abide the orders and judgment of the
19 appellate court upon the appeal. However, if the
20 only grounds of the defendant's appeal is the court's
21 error in the determination of use of a dangerous
22 weapon or prior convictions, or both, for purposes
23 of classification pursuant to section 12 of this Act,
24 the defendant is not eligible for bail. Such bail
25 Bail may be taken, either by the court where the
26 judgment was rendered, or the district court of the
27 county in which the defendant is imprisoned, or by
28 the appellate court, or a judge or clerk of any of
29 such courts. Provided, that in lieu of bail, bailable
30 defendants as described herein may be released in
31 accordance with the provisions of section 811.2.

32 Sec. 29. Section 814.5, subsection 1, Code 1981,
33 is amended by adding the following new lettered
34 paragraph:

35 NEW LETTERED PARAGRAPH. A sentence for a criminal
36 defendant which sentence deviates beyond the
37 permissible limits of the rules of sentencing
38 promulgated pursuant to section 17 of this Act.

39 Sec. 30. Section 814.6, subsection 1, Code 1981,
40 is amended by adding the following new lettered
41 paragraphs:

42 NEW LETTERED PARAGRAPH. A sentence which deviates
43 beyond the permissible limits of the rules of
44 sentencing promulgated pursuant to section 17 of this
45 Act.

46 NEW LETTERED PARAGRAPH. A judgment entry in which
47 the defendant is found to have used a dangerous weapon
48 as defined in section 702.7, in the commission of
49 the offense or offenses for which the defendant was
50 sentenced, or a judgment entry in which the defendant

Page 14

1 is found to have prior convictions, or both.

2 Sec. 31. Chapter 901, Code 1981, is amended by
3 adding the following new section:

4 **NEW SECTION. INFORMATION FOR PAROLE BOARD.** At
5 the time of committing a defendant to the custody
6 of the director of the division of adult corrections
7 for incarceration, the trial judge and prosecuting
8 attorney shall, and the defense attorney may, furnish
9 the board of parole with a full statement of their
10 recommendations relating to release or parole.

11 Sec. 32. Section 901.5, Code 1981, is amended
12 by adding the following new unnumbered paragraph:

13 **NEW UNNUMBERED PARAGRAPH.** If the sentence entered
14 by the court departs from the applicable rules of
15 sentencing, the court shall state in writing the
16 reasons for the departure.

17 Sec. 33. Section 901.5, unnumbered paragraph 1,
18 Code 1981, is amended to read as follows:

19 After receiving and examining all pertinent
20 information, including the presentence investigation
21 report, if any, the court shall consider the following
22 sentencing options in conjunction, if applicable,
23 with the rules of sentencing promulgated pursuant
24 to section 17 of this Act. The court shall determine
25 which of them is authorized by law for the offense,
26 and of the authorized sentences, which of them or
27 which combination of them, in the discretion of the
28 court, will provide maximum opportunity for the
29 rehabilitation of the defendant, and for the protection
30 of the community from further offenses by the defendant
31 and others.

32 Sec. 34. Section 901.5, subsection 2, Code 1981,
33 is amended by striking the subsection.

34 Sec. 35. Section 901.6, Code 1981, is amended
35 to read as follows:

36 **901.6 JUDGMENT ENTERED.** If judgment is not
37 deferred, and no sufficient cause is shown why judgment
38 should not be pronounced and none appears to the court
39 upon the record, judgment shall be pronounced and
40 entered. In every case in which judgment is entered,
41 the court shall include in the judgment entry the
42 number of the particular section of the Code under
43 which the defendant is sentenced, a finding whether
44 the defendant used a dangerous weapon as defined by
45 section 702.7, in the commission of the offense or
46 offenses for which the offender is being sentenced,
47 a finding of prior convictions or adjudications of
48 the defendant, the dates of the prior convictions
49 or adjudications, whether the prior convictions or
50 adjudications were forcible felonies, and a statement

Page 15

1 of the days credited pursuant to section 246.38 3,
2 subsection 1 of this Act, shall be incorporated into
3 the sentence.

4 Sec. 36. Section 902.3, Code 1981, is amended
5 to read as follows:

6 902.3 INDETERMINATE SENTENCE. When a judgment
7 of conviction of a felony other than a class "A"
8 felony is entered against any person, the court, in
9 imposing a sentence of confinement, shall commit the
10 person into the custody of the director of the division
11 of adult corrections for an indeterminate term unless
12 the term is made determinate by the rules of
13 sentencing, the maximum length of which indeterminate
14 or determinate term shall not exceed the limits as
15 fixed by section 902.9 nor shall the term be less
16 than the minimum term imposed by law, if a minimum
17 sentence is provided. The court shall consider the
18 applicable rules of sentencing in imposing the
19 sentence.

20 Sec. 37. Section 902.4, Code 1981, is amended
21 to read as follows:

22 902.4 RECONSIDERATION OF FELON'S SENTENCE. For
23 a period of ninety not less than thirty days nor more
24 than one hundred eighty days from the date when a
25 person convicted of a felony, other than a class "A"
26 felony or a felony for which a minimum sentence of
27 confinement is imposed, begins to serve a sentence
28 of confinement, the court, on its own motion or on
29 the recommendation of the commissioner of social
30 services, may order the person to be returned to the
31 court, at which time the court may review its previous
32 action and reaffirm it or substitute for it any
33 sentence permitted by law. The court's final order
34 in any such proceeding shall be delivered to the
35 defendant personally or by certified mail. Such
36 action is discretionary with the court, and its
37 decision to take such action or not to take such
38 action is not subject to appeal. The provisions of
39 this section notwithstanding, for the purposes of
40 appeal, a judgment of conviction of a felony is a
41 final judgment when pronounced.

42 Sec. 38. Section 902.9, subsection 2, Code 1981,
43 is amended by striking the subsection.

44 Sec. 39. Chapter 906, Code 1981, is amended by
45 adding the following new section:

46 NEW SECTION. "Supervised release" means supervised
47 release as defined by section 11, subsection 10 of
48 this Act.

49 Sec. 40. Section 906.1, Code 1981, is amended
50 to read as follows:

Page 16

1 906.1 DEFINITION OF PAROLE. Parole is the release
2 by the board of parole, prior to the expiration of
3 the sentence, of a person who has been committed to
4 the custody of the ~~commissioner~~ director of social
5 ~~services~~ the division of adult corrections, by reason
6 of the person's commission of a public offense prior
7 to the expiration of the person's term, subject to
8 supervision by the department of social services and
9 on to conditions imposed by the department sections
10 10 through 13 of this Act.

11 Sec. 41. Section 906.3, Code 1981, is amended
12 to read as follows:

13 906.3 AUTHORITY OF PAROLE BOARD. The board of
14 parole shall promulgate regulations rules regarding
15 a system of paroles and supervised release, from
16 correctional institutions, and shall direct, control,
17 and supervise the administration of such system of
18 paroles and supervised release. The board shall
19 determine which of those persons who have been
20 committed to the custody of the director of the
21 division of adult corrections, by reason of their
22 conviction of a public offense, shall be released
23 on parole. The grant or denial of parole shall not
24 be deemed a contested case as defined in section
25 17A.2.

26 Sec. 42. Section 906.5, Code 1981, is amended
27 to read as follows:

28 906.5 RECORD REVIEWED—ELIGIBILITY OF PRIOR
29 **FORCIBLE FELON FOR PAROLE—RULES.**

30 1. Within one year after the commitment prior
31 to the commencement of periodic review of any person
32 other than a class "A" felon committed to the custody
33 of the director of the division of adult corrections,
34 a member of other than a class "A" felon whose sentence
35 has not been commuted to a term of years, the board
36 shall interview the person. Thereafter, at regular
37 intervals, not to exceed one year, the board shall
38 interview the person and consider his or her prospects
39 for parole. This regular interview and consideration
40 for parole shall be known as periodic review. At
41 such time, the board shall consider all pertinent
42 information regarding this person, including the
43 circumstances of the person's offense, any presentence
44 report which may be available, the previous social
45 history and criminal record of such person, the
46 person's conduct, employment and attitude in prison,
47 and the reports of such physical and mental
48 examinations as have been made.

49 If the person who is under consideration for parole
50 is serving a sentence for conviction of a felony and

Page 17

1 has a criminal record of one or more prior convictions
2 for a forcible felony or a crime of a similar gravity
3 in this or any other state, parole shall be denied
4 unless the defendant has served at least one-half
5 of the maximum term of his or her sentence.

6 2. Any person other than a class "A" felon whose
7 sentence has not been commuted to a term of years,
8 who has reached his or her date of commencement of
9 periodic review as provided in the schedule of section
10 12, subsection 4 of this Act, is eligible for
11 consideration for parole.

12 3. In addition to those persons eligible for
13 parole under subsection 2, after a person committed
14 to the custody of the director of the division of
15 adult corrections serves the mandatory term of
16 incarceration as provided for in section 12, subsection
17 4 of this Act, the director or the director's designee
18 shall make an evaluation and recommendation to the
19 board of parole as to the inmate's suitability for
20 parole. Upon receipt of the evaluation and
21 recommendation, the board shall review the evaluation
22 and recommendation, and shall in turn make a
23 determination whether the inmate should be considered
24 for parole at that time or at a future time earlier
25 than commencement of periodic review. The board may
26 at its discretion interview and release on parole
27 those persons evaluated, who have a relatively low
28 point total pursuant to the habitual offender
29 classification of section 12 of this Act, or who
30 appear to be a relatively good parole risk, or both.
31 Section 12 of this Act does not preclude the board
32 from interviewing an inmate for informational purposes.
33 An interview for informational purposes, and interviews
34 and consideration of an inmate for parole under this
35 subsection does not constitute the commencement of
36 periodic review as provided for in subsection 1.

37 4. Notwithstanding subsections 1, 2, and 3,
38 forfeiture of good conduct time may increase the time
39 served before an inmate is eligible for periodic
40 review and parole by the board.

41 5. Every person while on parole or on supervised
42 release shall be under the supervision of the
43 department of social services, which shall prescribe
44 regulations rules for governing persons on parole
45 those persons. The board may adopt other rules not
46 inconsistent with the above the Code as it may deem
47 proper or necessary for the performance of its
48 functions. As provided in section 3 of this Act,
49 good conduct time shall not accrue to an inmate who
50 is on parole or supervised release.

Page 18

1 Sec. 43. Section 906.11, Code 1981, is amended

2 to read as follows:

3 906.11 ASSIGNMENT TO PAROLE OFFICER. A person

4 released on parole or placed on supervised release

5 pursuant to section 13 of this Act, shall be assigned

6 to a parole officer by the chief parole officer.

7 Both the person and his or her parole officer shall

8 be furnished in writing with the conditions of his

9 or her parole or supervised release and the regulations

10 rules which the person will be required to observe;

11 in writing. The parole officer shall explain these

12 conditions and regulations rules to the person, and

13 supervise, assist, and counsel the person during the

14 term of his or her parole or supervised release.

15 Sec. 44. Section 906.12, Code 1981, is amended

16 to read as follows:

17 906.12 PAROLE OR SUPERVISED RELEASE OUTSIDE STATE

18 AUTHORIZED. The parole or supervised release may

19 be to a place outside the state when the board of

20 parole shall determine it to be to the best interest

21 of the state and the prisoner, under such rules as

22 the board of parole may impose.

23 Sec. 45. Section 906.13, Code 1981, is amended

24 to read as follows:

25 906.13 RECIPROCAL AGREEMENTS WITH OTHER STATES.

26 The governor of the state of Iowa is hereby authorized

27 and empowered to enter into compacts and agreements

28 with other states, through their duly constituted

29 authorities, in reference to reciprocal supervision

30 of persons on parole, supervised release, or probation

31 and for the reciprocal return of such persons to the

32 contracting states for violation of the terms of their

33 parole, supervised release, or probation.

34 Sec. 46. Section 906.15, Code 1981, is amended

35 to read as follows:

36 906.15 DISCHARGE FROM PAROLE OR SUPERVISED RELEASE.

37 Unless sooner discharged, a person released on parole

38 or supervised release shall be discharged when his

39 or her respective term of parole or supervised release

40 equals the period of imprisonment specified in the

41 person's sentence, less all time served in confinement.

42 Discharge from parole may be granted prior to such

43 time, when an early discharge is appropriate. The

44 board shall periodically review all paroles, and when

45 it shall determine that any person on parole is able

46 and willing to fulfill the obligations of a law-abiding

47 citizen without further supervision, it shall discharge

48 the person from parole. In either event, discharge

49 from parole shall terminate the person's sentence.

50 However, the provisions of this section concerning

Page 19

1 discharge and early discharge are subject to the term
2 of mandatory supervised release as provided in section
3 13 of this Act.

4 Sec. 47. Section 906.16, unnumbered paragraph
5 1, Code 1981, is amended to read as follows:

6 The time when a prisoner is on parole or supervised
7 release from the institution shall be held to apply
8 upon the sentence against the parolee prisoner even
9 if the parole or supervised release is subsequently
10 revoked, except that the time when the parolee prisoner
11 is in violation of the terms of the parole agreement
12 or conditions of supervised release, shall not apply
13 upon the sentence.

14 Sec. 48. Section 906.17, Code 1981, is amended
15 to read as follows:

16 906.17 ALLEGED PAROLE OR SUPERVISED RELEASE
17 VIOLATORS—REIMBURSEMENT TO COUNTIES FOR TEMPORARY
18 CONFINEMENT. The division of adult corrections shall
19 reimburse a county for the temporary confinement of
20 alleged parole violators and offenders who are alleged
21 to be in violation of supervised release. The amount
22 to be reimbursed shall be determined by multiplying
23 the number of days so confined by the average daily
24 cost of confining a person in the county facility
25 as negotiated by the department. Payment shall be
26 made upon submission of a voucher executed by the
27 sheriff and approved by the director of the division
28 of adult corrections. The money shall be deposited
29 in the county general fund to be credited to the jail
30 account.

31 Sec. 49. Chapter 908, Code 1981, is amended by
32 adding the following new section:

33 NEW SECTION. SUPERVISED RELEASE. As used in this
34 chapter "supervised release" means supervised release
35 as defined by section 11, subsection 11 of this Act.

36 Sec. 50. Section 908.1, Code 1981, is amended
37 to read as follows:

38 908.1 ARREST OF ALLEGED PAROLE VIOLATOR. A parole
39 officer having probable cause to believe that any
40 person released on parole or supervised release has
41 violated the conditions of his or her parole or
42 supervised release, may arrest such person, or the
43 parole officer may make a complaint before a
44 magistrate, charging such violation; and if, if it
45 appears from such complaint, or from affidavits filed
46 with it, that there is probable cause to believe that
47 such person has violated the terms of his or her
48 parole or supervised release, the magistrate shall
49 issue a warrant for the arrest of such person.

50 Sec. 51. Section 908.2, Code 1981, is amended

Page 20

1 to read as follows:

2 908.2 INITIAL APPEARANCE. An officer making an
3 arrest of an alleged parole violator or alleged
4 violator of supervised release, shall take the arrested
5 person before a magistrate without unnecessary delay
6 for an initial appearance. At that time the alleged
7 parole violator or alleged violator of supervised
8 release, shall be furnished with a written notice
9 of the claimed violation, shall be advised of his
10 or her right to appointed counsel under rule 26 of
11 the rules of criminal procedure, and shall be given
12 notice that a hearing will take place and that its
13 purpose is to determine whether there is probable
14 cause to believe that he or she has committed a parole
15 violation or violation of supervised release.

16 The magistrate may order the alleged parole violator
17 or alleged violator of supervised release confined
18 in the county jail or may order the alleged parole
19 violator released on bail under such terms and
20 conditions as the magistrate may require. Admittance
21 to bail is discretionary with the magistrate and is
22 not a matter of right.

23 Sec. 52. Section 908.3, Code 1981, is amended
24 to read as follows:

25 908.3 PLACE OF PROBABLE CAUSE HEARING. The
26 probable cause hearing shall be held in the same
27 county as the alleged parole violator or alleged
28 violator of supervised release had his or her initial
29 appearance.

30 Sec. 53. Section 908.4, Code 1981, is amended
31 to read as follows:

32 908.4 PROBABLE CAUSE HEARING. At the probable
33 cause hearing, a liaison officer appointed pursuant
34 to section 904.5 and who is an attorney shall determine
35 whether there is probable cause to believe that the
36 alleged parole violator has violated parole or that
37 the alleged violator of supervised release has violated
38 supervised release. The alleged parole violator shall
39 be informed of the inculpatory evidence. The alleged
40 parole violator shall be given an opportunity to be
41 heard in person and to present witnesses and other
42 evidence. The alleged parole violator shall have
43 the right to confront and cross-examine adverse
44 witnesses, except where the liaison officer finds
45 that a witness would be subjected to risk or harm
46 if the witness' identity were disclosed.

47 Sec. 54. Section 908.5, Code 1981, is amended
48 to read as follows:

49 908.5 WAIVER OF PROBABLE CAUSE HEARING. The
50 alleged parole violator or alleged violator of

Page 21

1 supervised release may waive the probable cause
2 hearing, in which event the liaison officer shall
3 proceed as upon a finding of probable cause. Before
4 accepting a waiver of hearing, the liaison officer
5 shall inform the alleged violator of the charge, of
6 the alleged violator's right to a hearing to determine
7 whether there is probable cause to believe that parole
8 or supervised release has been violated, and that
9 if the hearing is waived, the alleged violator will
10 be committed to the custody of the department of
11 social services without further proceedings, to await
12 the determination of the parole board. The liaison
13 officer shall make a verbatim record of the proceedings
14 in which the hearing is waived.

15 Sec. 55. Section 908.6, Code 1981, is amended
16 to read as follows:

17 908.6 DISPOSITION BY LIAISON OFFICER. If it
18 appears from the evidence that there is no probable
19 cause to believe that the arrested person has violated
20 the conditions of parole or supervised release, the
21 liaison officer shall order the arrested person to
22 be released from custody and continued on parole or
23 supervised release. If it appears that there is
24 probable cause to believe that the arrested person
25 has violated the conditions of parole or supervised
26 release, the liaison officer shall commit the arrested
27 person to the custody of the department of social
28 services, and the procedure prescribed in section
29 901.7 shall apply to such commitment; or the liaison
30 officer may recommend that the arrested person be
31 admitted to bail as provided in section 908.2. The
32 liaison officer shall make a summary of the testimony
33 and other evidence considered and a statement of the
34 facts relied on as a basis for the finding of probable
35 cause or no probable cause, and shall without delay
36 forward them together with all documents relating
37 to the matter to the executive secretary of the parole
38 board. If the alleged parole violator has waived
39 the probable cause hearing, the verbatim record of
40 that proceeding shall be forwarded in lieu of the
41 summary of evidence and statement of facts.

42 Sec. 56. Section 908.7, Code 1981, is amended
43 to read as follows:

44 908.7 ACTION BY PAROLE BOARD. Upon a finding
45 of probable cause to believe that a parole violation
46 or violation of supervised release has occurred, the
47 board of parole shall proceed without unreasonable
48 delay to hear the charge of parole the violation.
49 Upon receipt of the record prepared and forwarded
50 by the liaison officer, the board shall fix a time

Page 22

1 and place for such hearing and shall notify in writing
2 the alleged violator, the alleged violator's attorney
3 of record, if any, and the department of social
4 services of such hearing and the claimed violation
5 of parole. The alleged violator shall be given an
6 opportunity to be heard by the board under such rules
7 as the board shall adopt. The inquiry shall be limited
8 to the following two matters: 1. Did the alleged
9 parole violation or violation of supervised release
10 actually occur? 2. If the violation did occur,
11 should the violator's parole or supervised release
12 be revoked? If the board determines that the parole
13 or supervised release should be revoked, it shall
14 make an order revoking the parole or supervised
15 release. The board shall furnish the violator with
16 a written statement of the facts relied upon to
17 establish a violation and the reasons for revoking
18 parole or supervised release.

19 Sec. 57. Section 908.8, Code 1981, is amended
20 to read as follows:

21 908.8 PROCEEDING WITHOUT ARREST OR PROBABLE CAUSE.

22 The board of parole may receive from a parole officer
23 a charge or complaint of parole violation or violation
24 of supervised release against any parolee or person
25 on supervised release, and may proceed to a hearing
26 on such charge in any case where the alleged violator
27 has not been arrested or has been arrested and
28 discharged by the liaison officer on a finding of
29 no probable cause. The presence of the alleged
30 violator at such hearing shall be secured by summons.
31 A statement of the charge against the alleged violator
32 shall accompany the summons, and the parole officer
33 shall give the alleged violator such assistance as
34 is needed to get to the place of the hearing. Travel
35 expenses, if any, shall be paid by the board. If
36 the alleged violator fails without good cause to
37 appear as commanded by the summons, such failure shall
38 be considered a violation of the parole or supervised
39 release, and the board may proceed to revoke parole
40 or supervised release. If the parole or supervised
41 release is revoked, the board shall issue a warrant
42 for the person's arrest and return to the custody
43 of the department of social services. Upon his or
44 her return to custody, the board shall, upon request,
45 give the person an opportunity to present any matters
46 in defense or mitigation of the conduct.

47 Sec. 58. Section 908.9, Code 1981, is amended
48 to read as follows:

49 908.9 DISPOSITION OF VIOLATOR. If the parole
50 of any parole violator is revoked, the violator shall

Page 23

1 remain in the custody of the department of social
2 services under the terms of the parolee's original
3 commitment. If the supervised release of a violator
4 of supervised release is revoked, the offender shall
5 serve the remaining unexpired portion of his or her
6 sentence or until released by the board. If the
7 parole of any parole violator or the supervised release
8 of any violator of supervised release is not revoked,
9 the board shall order his or her release subject to
10 the terms of his or her parole or supervised release
11 with any modifications that the board shall determine
12 proper.

13 Sec. 59. Section 908.10, Code 1981, is amended
14 to read as follows:

15 908.10 CONVICTION OF OTHER OFFENSE AS VIOLATION.

16 When the alleged violation of parole or supervised
17 release consists of a conviction of a public offense
18 in this or any other state, such conviction shall
19 be proved by a certified copy of the judgment of
20 conviction, together with evidence that the alleged
21 violator is the person against whom the judgment was
22 rendered. Neither the liaison officer, court, nor
23 board of parole shall retry the facts underlying such
24 conviction.

25 Sec. 60. Rule of criminal procedure 6, subsection
26 6, Code 1981, is amended to read as follows:

27 6. ALLEGATIONS OF USE OF A FIREARM DANGEROUS

28 WEAPON. If the offense charged is one for which the
29 defendant, if convicted, will be subject by reason
30 of the Code to a minimum sentence an increased penalty
31 because of use of a firearm dangerous weapon as defined
32 by section 702.7, the allegation of such use, if any,
33 shall be contained in the indictment. If use of a
34 firearm dangerous weapon is alleged as provided by
35 this rule, and if the allegation is supported by the
36 evidence, the court shall submit to the jury a special
37 interrogatory concerning this matter, as provided
38 in R.Cr.P. 21(2).

39 Sec. 61. Rule of criminal procedure 8, subsection
40 2, paragraph b, subparagraph (2), Code 1981, is amended
41 to read as follows:

42 (2) The mandatory minimum punishment term of
43 incarceration, if any, and the maximum possible
44 punishment provided by the statute defining because
45 of the circumstances of the offense to which the plea
46 is offered and because of defendant's prior conviction
47 record.

48 Sec. 62. Rule of criminal procedure 18, subsection
49 11, Code 1981, is amended to read as follows:

50 11. TRIAL OF QUESTIONS INVOLVING PRIOR CONVICTIONS.

Page 24

1 After conviction of the primary or current offense,
2 but prior to pronouncement of sentence, if the
3 indictment or information alleges one or more prior
4 convictions which by the Code subjects the offender
5 to an increased sentence section 12 of this Act, the
6 offender shall have the opportunity in open court
7 to affirm or deny that he or she is identical with
8 the person previously convicted, or that he or she
9 was not represented by counsel and did not waive
10 counsel. If the offender denies he or she is the
11 person previously convicted, sentence shall be
12 postponed for such time as to permit a trial before
13 a jury on the issue of the offender's identity with
14 the person previously convicted. Other objections
15 shall be heard and determined by the court, and these
16 other objections shall be asserted prior to trial
17 of the substantive offense in the manner presented
18 in R.Cr.P. 10. On the issue of identity, the court
19 may in its discretion reconvene the jury which heard
20 the current offense or dismiss that jury and submit
21 the issue to another jury to be later impaneled.
22 If the offender is found by the jury to be the person
23 previously convicted, or if the offender acknowledged
24 that he or she is such person, the offender shall
25 be sentenced as prescribed in the Code.

26 Sec. 63. Rules of criminal procedure 21, subsection
27 2, unnumbered paragraph 2, Code 1981, is amended to
28 read as follows:

29 Where a defendant is alleged to be subject to the
30 minimum sentence provisions of section 902.7, The
31 Code (use of firearms) have used a dangerous weapon
32 as defined in section 702.7 in the commission of the
33 offense, and the allegation is supported by the
34 evidence, the court shall submit a special
35 interrogatory concerning that matter to the jury.

36 Sec. 64. Rule of criminal procedure 22, subsection
37 3, paragraph d, Code 1981, is amended to read as
38 follows:

39 d. JUDGMENT ENTERED. If no sufficient cause is
40 shown why judgment should not be pronounced, and none
41 appears to the court upon the record, judgment shall
42 be rendered. Prior to such rendition, counsel for
43 the defendant, and the defendant personally, shall
44 be allowed to address the court where either wishes
45 to make a statement in mitigation of punishment.
46 In every case the court shall include in the judgment
47 entry the number of the particular section of the
48 Code under which the defendant is sentenced, a finding
49 whether the defendant used a dangerous weapon as
50 defined in section 702.7, in the commission of the

Page 25

1 offense or offenses for which the offender is being
2 sentenced, a finding of prior convictions or
3 adjudications of the defendant, the dates of the prior
4 convictions or adjudications, and whether the prior
5 convictions or adjudications were forcible felonies.

6 The court shall state on the record its reason for
7 selecting the particular sentence.

8 Sec. 65. Rule of criminal procedure 26, subsection
9 1, Code 1981, is amended to read as follows:

10 1. REPRESENTATION. Every defendant who is an
11 indigent as defined in section 336A.4, The Code, shall
12 be entitled to have counsel appointed to represent
13 him or her at every stage of the proceedings from
14 the defendant's initial appearance before the
15 magistrate or the court through appeal, including
16 probation and, parole and supervised release revocation
17 hearings, unless the defendant waives such appointment.

18 Sec. 66. Section 1 of chapter 198, Acts of the
19 Sixty-ninth General Assembly, 1981 Session, is
20 repealed.

21 Sec. 67. Section 217.22, Code 1981, is repealed.

22 Sec. 68. Sections 204.413, 246.38, 246.39, 246.41,
23 246.42, 246.43, 246.45, 902.7, and 902.8, Code 1981,
24 are repealed except they shall remain in effect for
25 those persons sentenced for offenses committed prior
26 to July 1, 1982.

27 Sec. 69. Sections 7, 14 through 18, 22, 31, 68,
28 and 69 take effect July 1, 1982.

29 Sections 1 through 6, 8 through 13, 19 through
30 21, 23 through 29, and 32 through 65, take effect
31 July 1, 1982 and apply to inmates sentenced for
32 offenses committed after July 1, 1982."

33 2. Title page, line 1, by striking the words
34 "reduction of".

Conlon of Muscatine offered amendment H-5783, to amend-
ment H-5687, filed by Conlon, Halvorson of Clayton and Rapp from
the floor as follows:

H-5783

1 Amend the amendment H-5687 to Senate File 268 as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, lines 29 and 30, by striking the words
5 "section 12 of this Act" and inserting in lieu thereof
6 the words and figures "the rules promulgated under
7 section 906.3, unnumbered paragraph 2".

- 8 2. Page 1, line 44, by striking the word "shall"
9 and inserting in lieu thereof the word "may".
- 10 3. Page 1, lines 49 and 50, by striking the words
11 and figures "11, subsection 10" and inserting in lieu
12 thereof the figure "29".
- 13 4. Page 2, line 4, by striking the words and
14 figures "11, subsection 11" and inserting in lieu
15 thereof the words and figure "29 of this Act".
- 16 5. Page 2, by striking lines 33 through 36 and
17 inserting in lieu thereof the following:
18 "incarceration as defined by section 28, subsection
19 1 of this Act, the time served before the inmate is
20 to be interviewed for parole pursuant to section
21 906.5, and the time served before the inmate is
22 eligible for release because of the accrual of good
23 conduct time."
- 24 6. Page 3, by striking lines 2 through 6 and
25 inserting in lieu thereof the following: "the
26 mandatory term of incarceration as defined by section
27 29, subsection 1 of this Act, the time served before
28 the inmate is interviewed for parole pursuant to
29 section 906.5, and the time served before the inmate
30 is eligible for release because of the accrual of
31 good conduct time, by the amount of the restored good
32 conduct".
- 33 7. Page 3, line 43, by striking the words "section
34 12 of this Act" and inserting in lieu thereof the
35 words and figures "the rules promulgated by the board
36 of parole under section 906.3, unnumbered paragraph
37 2".
- 38 8. Page 4, by striking lines 24 through 50.
- 39 9. By striking pages 5 through 7.
- 40 10. Page 8, by striking lines 1 through 17 and
41 inserting in lieu thereof the following:
42 "Sec. 9. NEW SECTION. COMMISSION ESTABLISHED."
- 43 11. Page 8, line 19, by striking the word
44 "guidelines" and inserting in lieu thereof the word
45 "evaluation".
- 46 12. Page 8, line 43, by striking the figure "15"
47 and inserting in lieu thereof the figure "10".
- 48 13. Page 9, line 3, by striking the figure "16"
49 and inserting in lieu thereof the figure "11".
- 50 14. By striking page 9, line 8 through page 10,

Page 2

- 1 line 40, and inserting in lieu thereof the following:
2 "Sec. 12. NEW SECTION. DUTIES.
3 1. The commission shall study the impact of
4 sentencing laws and practices including but not limited
5 to noninstitutional sanctions as fines, restitution,

6 work release, community-based correctional programs,
7 probation, deferred judgment, deferred sentence and
8 suspended sentences. The commission may also study
9 the impact of rules promulgated by the parole board
10 pursuant to section 906.3, unnumbered paragraph 2.

11 2. The commission may make recommendations to
12 the general assembly at the beginning of each session
13 and to the governor and the board of parole, regarding
14 changes in the laws of sentencing, the criminal code,
15 criminal procedures, the rules promulgated by the
16 board of parole pursuant to section 906.3, unnumbered
17 paragraph 2, and regarding other aspects of sentencing.

18 3. The commission shall make recommendations to
19 the supreme court as to possible rules of sentencing
20 prescribed by the court pursuant to section 23 of
21 this Act."

22 15. Page 10, line 41, by striking the figure "18"
23 and inserting in lieu thereof the figure "13".

24 16. Page 11, line 4, by striking the figure "19"
25 and inserting in lieu thereof the figure "14".

26 17. Page 11, line 25, by striking the figure "20"
27 and inserting in lieu thereof the figure "15".

28 18. Page 11, line 34, by striking the figure "21"
29 and inserting in lieu thereof the figure "16".

30 19. Page 11, line 42, by striking the figure "22"
31 and inserting in lieu thereof the figure "17".

32 20. Page 12, line 4, by striking the figure "23"
33 and inserting in lieu thereof the figure "18".

34 21. Page 12, line 12, by striking the figure "24"
35 and inserting in lieu thereof the figure "19".

36 22. Page 12, line 24, by striking the figure "25"
37 and inserting in lieu thereof the figure "20".

38 23. Page 12, line 37, by striking the figure "26"
39 and inserting in lieu thereof the figure "21".

40 24. Page 12, line 48, by striking the figure "27"
41 and inserting in lieu thereof the figure "22".

42 25. Page 13, by striking lines 6 through 50.

43 26. Page 14, by striking lines 1 and 2 and
44 inserting in lieu thereof the following:

45 "Sec. 23. Chapter 684, Code 1981, is amended by
46 adding the following new section:

47 NEW SECTION. RULES OF SENTENCING.

48 1. The supreme court shall have the power to
49 prescribe advisory rules to the district court which
50 establish:

Page 3

1 a. The circumstances under which imprisonment
2 of an offender is proper.

3 b. Appropriate sanctions for offenders for whom

4 imprisonment is not proper, including but not limited
5 to noninstitutional sanctions as fines, restitution,
6 work release, community-based correctional programs,
7 probation, deferred judgment, deferred sentence, and
8 suspended sentence.

9 2. In establishing the rules of sentencing, the
10 court may take into consideration current sentencing
11 and release practices and correctional resources,
12 including but not limited to the capacities of local
13 and state correctional facilities.

14 Sec. 24. Chapter 901, Code 1981, is amended by".

15 27. Page 14, by striking lines 11 through 31 and
16 inserting in lieu thereof the following:

17 "Sec. 25. NEW SECTION. MANDATORY SUPERVISED
18 RELEASE.

19 1. An offender who is released on parole or who
20 is released prior to the expiration of sentence as
21 defined by subsection 4, because of the accrual of
22 good conduct time, shall be subject to supervision
23 by the department of social services for a term to
24 be determined by the board of parole subject to
25 subsection 2.

26 2. However, the period of incarceration together
27 with the period of supervised release pursuant to
28 subsection 1, shall not exceed the limits for the
29 respective offense fixed by section 902.9 or section
30 903.1.

31 3. If an offender violates the conditions of
32 supervised release and the supervised release is
33 revoked pursuant to chapter 908, the offender shall
34 be returned to the custody of the director to serve
35 the remaining unexpired portion of the offender's
36 sentence or until released by the board of parole.

37 4. "Sentence" means the maximum period of
38 incarceration to which the offender has been sentenced
39 pursuant to section 901.8, 902.9, 903.1, subsection
40 1, or the applicable sentencing law, for the offense
41 for which the offender has been convicted."

42 28. Page 14, line 32, by striking the figure "34"
43 and inserting in lieu thereof the figure "26".

44 29. By striking page 14, line 34 through page
45 15, line 19.

46 30. Page 15, line 20, by striking the figure "37"
47 and inserting in lieu thereof the figure "27".

48 31. Page 15, line 42, by striking the figure "38"
49 and inserting in lieu thereof the figure "28".

50 32. Page 15, by striking lines 44 through 49 and

1 inserting in lieu thereof the following:

2 "Sec. 29. Chapter 906, Code 1981, is amended by
3 adding the following new section:

4 NEW SECTION. DEFINITIONS. As used in this chap-
5 ter:

6 1. "Mandatory minimum term of incarceration" means
7 the shortest possible time of incarceration which
8 an offender shall serve prior to eligibility for
9 release on parole.

10 2. "Supervised release" means the release of an
11 offender after the expiration of the term of
12 incarceration but prior to the expiration of the
13 offender's sentence as defined by section 25,
14 subsection 4 of this Act.

15 Sec. 30. Section 906.1, Code 1981, is amended".

16 33. Page 16, line 3, by inserting after the word
17 "sentence" the words and figures "as defined by section
18 25, subsection 4 of this Act".

19 34. Page 16, lines 9 and 10, by striking the words
20 and figures "sections 10 through 13 of this Act" and
21 inserting in lieu thereof the words and figure "the
22 board of parole pursuant to section 906.3".

23 35. Page 16, line 11, by striking the figure "41"
24 and inserting in lieu thereof the figure "31".

25 36. Page 16, by striking line 26 and inserting
26 in lieu thereof the following:

27 "The board of parole shall promulgate rules pursuant
28 to chapter 17A of the Code, as to the timing and
29 frequency of parole interviews and paroles, as to
30 the shortest possible time of incarceration which
31 an offender shall serve prior to eligibility for
32 release on parole or by the accrual of good conduct
33 time, and rules as to the length and conditions of
34 paroles and supervised releases. These rules shall
35 take into consideration the offender's past conviction
36 record including the number of prior forcible felonies,
37 nonforcible felonies, and aggravated misdemeanors,
38 the length of time since conviction for the prior
39 offenses, use of a dangerous weapon as defined by
40 section 702.7 in the commission of the offense and
41 other relevant factors.

42 Sec. 32. Section 906.5, Code 1981, is amended".

43 37. Page 16, by striking lines 30 through 41 and
44 inserting in lieu thereof the following:

45 "1. Within one year after the commitment of any
46 person other than a class "A" felon to the custody
47 of the director of the division of adult corrections,
48 a member of the board shall may interview the person.
49 Thereafter, at regular intervals, not to exceed one
50 year, the The board shall interview the person and

Page 5

1 shall consider his or her the person's prospects for
2 parole if the person served at least one-third of
3 the person's sentence as defined by section 25,
4 subsection 4 of this Act unless the person is serving
5 a mandatory minimum term of incarceration pursuant
6 to the rules of the board. At such time the interview,
7 the board shall consider all pertinent".

8 38. Page 17, by striking lines 6 through 41 and
9 inserting in lieu thereof the following:

10 "2. Notwithstanding subsection 1, forfeiture of
11 good conduct time may increase the time served before
12 an inmate is eligible for an interview or parole by
13 the board.

14 3. Every person while on parole or on supervised".

15 39. Page 18, line 1, by striking the figure "43"
16 and inserting in lieu thereof the figure "33".

17 40. Page 18, line 5, by striking the figure "13"
18 and inserting in lieu thereof the figure "25".

19 41. Page 18, line 15, by striking the figure "44"
20 and inserting in lieu thereof the figure "34".

21 42. Page 18, line 23, by striking the figure "45"
22 and inserting in lieu thereof the figure "35".

23 43. Page 18, line 34, by striking the figure "46"
24 and inserting in lieu thereof the figure "36".

25 44. Page 19, line 3, by striking the figure "13"
26 and inserting in lieu thereof the figure "25".

27 45. Page 19, line 4, by striking the figure "47"
28 and inserting in lieu thereof the figure "37".

29 46. Page 19, line 14, by striking the figure "48"
30 and inserting in lieu thereof the figure "38".

31 47. Page 19, line 31, by striking the figure "49"
32 and inserting in lieu thereof the figure "39".

33 48. Page 19, line 36, by striking the figure "50"
34 and inserting in lieu thereof the figure "40".

35 49. Page 19, line 50, by striking the figure "51"
36 and inserting in lieu thereof the figure "41".

37 50. Page 20, line 23, by striking the figure "52"
38 and inserting in lieu thereof the figure "42".

39 51. Page 20, line 30, by striking the figure "53"
40 and inserting in lieu thereof the figure "43".

41 52. Page 20, line 47, by striking the figure "54"
42 and inserting in lieu thereof the figure "44".

43 53. Page 21, line 15, by striking the figure "55"
44 and inserting in lieu thereof the figure "45".

45 54. Page 21, line 42, by striking the figure "56"
46 and inserting in lieu thereof the figure "46".

47 55. Page 22, line 19, by striking the figure "57"
48 and inserting in lieu thereof the figure "47".

49 56. Page 22, line 47, by striking the figure "58"
50 and inserting in lieu thereof the figure "48".

Page 6

- 1 57. Page 23, line 13, by striking the figure "59"
2 and inserting in lieu thereof the figure "49".
3 58. Page 23, line 25, by striking the figure "60"
4 and inserting in lieu thereof the figure "50".
5 59. Page 23, line 39, by striking the figure "61"
6 and inserting in lieu thereof the figure "51".
7 60. By striking page 23, line 48 through page
8 24, line 25.
9 61. Page 24, line 26, by striking the figure "63"
10 and inserting in lieu thereof the figure "52".
11 62. Page 24, line 36, by striking the figure "64"
12 and inserting in lieu thereof the figure "53".
13 63. Page 25, by striking lines 2 through 5 and
14 inserting in lieu thereof the following: "sentenced."
15 64. Page 25, line 8, by striking the figure "65"
16 and inserting in lieu thereof the figure "54".
17 65. Page 25, line 18, by striking the figure "66"
18 and inserting in lieu thereof the figure "55".
19 66. Page 25, line 21, by striking the figure "67"
20 and inserting in lieu thereof the figure "56".
21 67. Page 25, line 22, by striking the figure "68"
22 and inserting in lieu thereof the figure "57".
23 68. Page 25, by striking lines 27 and 28 and
24 inserting in lieu thereof the following:
25 "Sec. 58. Sections 7, 9 through 13, 17, 24, 57,
26 and 58 take effect July 1, 1982."
27 69. Page 25, by striking lines 29 and 30 and
28 inserting in lieu thereof the following:
29 "Sections 1 through 6, 8, 14 through 16, 18 through
30 22, and 26 through 54, take effect".
31 70. Page 25, line 32, by inserting after the
32 figure "1982." the following: "Sections 9 through
33 13 of this Act are repealed June 30, 1986."

SENATE FILE 268 TEMPORARILY DEFERRED

Doderer of Johnson asked and received unanimous consent that Senate File 268 be temporarily deferred and that the bill retain its place on the calendar.

Senate File 2220, a bill for an act repealing a Code provision requiring the Iowa commerce commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable, with report of committee recommending passage was taken up for consideration.

Johnson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (S.F. 2220)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welsh	Woods	Mr. Speaker (Bennett)

The nays were, none.

Absent or not voting, 4:

Lind

Stromer

Walter

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 2253**, relating to the Iowa housing finance authority, effective upon publication.

HOUSE RULE 36.8 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 regarding the filing of amendments in regard to the following: Senate Files — 2215, 2278, 2253, 268 and 2220.

Speaker Stromer in the chair at 10:28 a.m.

Schroeder of Pottawattamie offered the following amendment H—5787 filed by him from the floor and moved its adoption:

H—5787

- 1 Amend Senate File 2253 as follows:
- 2 1. Page 4, by striking line 9.

Amendment H—5787 was adopted.

SENATE FILE 2253 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2253 be temporarily deferred and that the bill retain its place on the calendar.

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session at 11:32 a.m., Speaker Stromer in the chair.

The House resumed consideration of Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Krewson of Polk offered the following amendment H—5791, filed by him from the floor, and moved its adoption:

H—5791

- 1 Amend Senate File 2253 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 13 and 14 and
- 4 inserting in lieu thereof the following:
- 5 "12. "Health care facilities" means those

- 6 facilities referred to in section 135C.1, subsection
7 4, which contain fifteen beds or less."

Amendment H—5791 was adopted.

Schroeder of Pottawattamie offered the following amendment
H—5788, filed by him from the floor, and moved its adoption:

H—5788

- 1 Amend Senate File 2253 as follows:
2 1. Page 5, by striking lines 3 through 7.

Amendment H—5788 was adopted.

Trucano of Polk moved that the bill be read a last time now and
placed upon its passage which motion prevailed and the bill was
read a last time.

On the question "Shall the bill pass?" (S.F. 2253)

The ayes were, 96:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	O'Kane	Oxley
Pavich	Pellett	Pelton	Petricick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Anderson, R.

Davitt

Norland

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 268**, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services, and amendment H—5783, found on pages 1356 through 1362, to the committee amendment H—5687, found on pages 1332 through 1356 of the House Journal.

Conlon of Muscatine moved the adoption of amendment H—5783, to amendment H—5687.

Amendment H—5783, to the committee amendment H—5687, was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5723, to the committee amendment H—5687 filed by him on April 6, 1982.

Halvorson of Clayton moved the adoption of amendment H—5687, as amended.

The committee amendment H—5687, as amended, was adopted placing out of order the following amendments, all found in the 1981 House Journal:

H—3259 filed by Tyrrell of Iowa on March 11, 1981 and found on pages 2324 and 2325.

H—3324 filed by the committee on judiciary and law enforcement on March 19, 1981 and found on pages 2330 through 2335.

H—3334 filed by Spear of Lee on March 23, 1981 and found on page 2335.

H—3335 filed by Spear of Lee on March 23, 1981 and found on page 2336.

H—3339 filed by Spear of Lee on March 24, 1981 and found on page 2336.

H—3353 filed by Spear of Lee on March 25, 1981 and found on pages 2340 and 2341.

H—3399 filed by Spear of Lee on March 30, 1981 and found on page 2349.

H—3481 filed by Tyrrell of Iowa on April 3, 1981 and found on page 2359.

H—3501 filed by Shimanek of Jones on April 6, 1981 and found on page 2363.

H—3534 filed by Johnson of Howard on April 7, 1981 and found on pages 2374 and 2375.

H—3864 filed by Smalley of Polk on April 28, 1981 and found on page 2452.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 268)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

The nays were, 2:

Doderer

Krewson

Absent or not voting, 2:

Clark, B. J.

Walter

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation, without committee recommendation was taken up for consideration.

HOUSE RULE 37 INVOKED

Poffenberger of Dallas rose on a point of order and invoked House Rule 37 on Senate File 2233.

The Speaker ruled the point well taken and Senate File 2233 referred to the committee on appropriations.

On motion by Pope of Polk the House was recessed at 11:58 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Menke of O'Brien in the chair.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to take up out of order Senate File 2218.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and

providing for the restriction of certain proceedings and assessments, with report of committee recommending amendment and passage was taken up for consideration.

Bennett of Ida called up for consideration amendment H—5667 filed by the committee on agriculture.

SENATE FILE 2218 DEFERRED

Bennett of Ida asked and received unanimous consent that Senate File 2218 be deferred and that the bill be placed on the Unfinished Business Calendar.

Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons, with report of committee recommending amendment and passage was taken up for consideration.

Anderson of Audubon offered amendment H—5666 filed by the committee on agriculture as follows:

H—5666

- 1 Amend Senate File 2243 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 18 and
- 4 inserting in lieu thereof the following:
- 5 "b. The commission may require that the water
- 6 supply be pretreated for sulphate reduction if the
- 7 commission determines that to do so is necessary for
- 8 the lagoon's proper environmental operation."

McKean of Jones offered amendment H—5784, to the committee amendment H—5666, filed by McKean, et al., from the floor as follows:

H—5784

- 1 Amend amendment H—5666 to Senate File 2243 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 3 through 8 and inserting
- 4 in lieu thereof the following:
- 5 "1. Page 1, by striking lines 10 through 18."

Speaker Stromer in the chair at 2:01 p.m.

McKean of Jones moved the adoption of amendment H—5784, to the committee amendment H—5666.

Roll call was requested by Cook of Hardin and Crabb of Crawford.

On the question "Shall amendment H—5784 be adopted?"

The ayes were, 64:

Anderson, J.	Anderson, R.	Avenson	Bennett
Binneboese	Branstad	Carl	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Danker	De Groot	Dieleman
Diemer	Egenes	Fey	Gross
Groth	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, W.	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Pellett	Pelton	Petric	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smith	Stueland
Sturgeon	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Welsh	Mr. Speaker

The nays were, 34:

Arnould	Baxter	Brandt	Bruner
Byerly	Carpenter	Chiodo	Connors
Davitt	Doderer	Gettings	Hall
Halvorson, R. N.	Horn	Howell	Jay
Jochum	Johnson, R.	Knapp	Krewson
Lloyd-Jones	Oxley	Pavich	Poncy
Rapp	Renaud	Rosenberg	Running
Smalley	Spear	Sullivan	Swartz
Trucano	Woods		

Absent or not voting, 2:

Daggett Walter

Amendment H—5784, to the committee H—5666, was adopted.

Anderson of Audubon moved the adoption of amendment H—5666, as amended.

The committee amendment H—5666, as amended, was adopted.

Running of Linn offered the following amendment H—5755 filed by him and moved its adoption:

H—5755

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 6 and
- 4 inserting in lieu thereof the following: "NEW
- 5 SUBSECTION a. Commission rules establishing"

Amendment H—5755 was adopted.

Crabb of Crawford asked and received unanimous consent to withdraw amendment H—5672 filed by him on April 1, 1982.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5718 filed by Schnekloth, et al., on April 6, 1982.

Hall of Linn asked and received unanimous consent to withdraw amendment H—5760 filed by him on April 7, 1982.

Stueland of Clinton asked and received unanimous consent to defer action on amendments H—5768 and H—5769.

Stueland of Clinton asked for unanimous consent to withdraw amendment H—5774 filed by him on April 7, 1982.

Objection was raised.

Stueland of Clinton moved to suspend the rules to withdraw amendment H—5774.

Roll call was requested by Cochran of Webster and Hall of Linn.

On the question "Shall the motion to withdraw amendment H—5774 prevail?"

The ayes were, 51:

Anderson, J.
Branstad
Conlon

Anderson, R.
Byerly
Cook

Bennett
Chiodo
Copenhaver

Binneboese
Clark, J. H.
Corey

Crabb	Danker	De Groot	Diemer
Gross	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Hummel	Johnson, J.	Johnson, W.	Lageschulte
Lind	Loneragan	Maulsby	McKean
Mullins	O'Kane	Pellett	Pelton
Petrick	Pope	Renaud	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smith	Stueland	Sturgeon	Swearingen
Tyrrell	Van Maanen	Mr. Speaker	

The nays were, 39:

Arnould	Baxter	Brandt	Bruner
Carl	Clark, B. J.	Clements	Cochran
Connolly	Davitt	Dieleman	Doderer
Egenes	Fey	Gettings	Hall
Hanson, D.	Howell	Jay	Jochum
Johnson, R.	Knapp	Krewson	Lloyd-Jones
Mann	Oxley	Pavich	Poncy
Rapp	Rosenberg	Running	Smalley
Spear	Sullivan	Swartz	Tofte
Trucano	Welsh	Woods	

Absent or not voting, 10:

Avenson	Carpenter	Connors	Daggett
Horn	Menke	Norland	Poffenberger
Walter	Welden		

The motion prevailed and amendment H-5774, filed by Stueland of Clinton, was withdrawn.

Byerly of Polk offered amendment H-5776 filed by Byerly, Running and Smalley. Division was requested as follows:

H-5776

- 1 Amend Senate File 2243 as amended, passed and
- 2 reprinted by the Senate, as follows:

H-5776A

- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "The provisions of paragraph b do not apply to the
- 6 owner or applicant for a permit for a proposed new
- 7 industrial anaerobic lagoon used in conjunction with a
- 8 meat processing plant unless the commission determines
- 9 that the owner or applicant has made a reasonable

10 effort to locate the plant in an area where a meat
11 processing plant has ceased operation after February 22,
12 1979."

H-5776B

13 2. Page 2, line 25, by inserting after the word
14 "facilities." the following: "The provisions of this
15 paragraph do not apply to a new industrial anaerobic
16 lagoon used in conjunction with a meat processing plant
17 unless the commission determines that the owner of the
18 lagoon has made a reasonable effort to locate the plant
19 in an area where a meat processing plant has ceased
20 operation after February 22, 1979."

Byerly of Polk asked and received unanimous consent to withdraw amendment H-5776A.

Lloyd-Jones of Johnson offered amendment H-5786, filed by her from the floor as follows:

H-5786

1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:
5 "c. The commission shall require that an
6 industrial anaerobic lagoon be covered if the
7 commission determines that to do so is necessary for
8 the lagoon's proper environmental operation."

Pellett of Cass rose on a point of order that a suspension of the rules, to consider amendment H-5786, was in order.

The Speaker ruled the point well taken and a suspension of the rules necessary in order to consider amendment H-5786.

Pope of Polk asked and received unanimous consent to suspend the rules to consider amendment H-5786.

Lloyd-Jones of Johnson moved the adoption of amendment H-5786.

A non-record roll call was requested.

The ayes were 35, nays 54.

Amendment H—5786 lost.

HOUSE RULE 36.8 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 36.8 in regard to the filing of amendments to Senate File 2243.

Ritsema of Sioux offered the following amendment H—5792, filed by him from the floor and moved its adoption:

H—5792

- 1 Amend Senate File 2243, as amended, passed, and
- 2 reprinted, as follows:
- 3 1. Page 1, line 25, by inserting after the word
- 4 "containing" the words "less than".
- 5 2. Page 1, line 26, by striking the words "or less"
- 6 and inserting in lieu thereof the words "or less".
- 7 3. Page 1, line 27, by inserting after the word
- 8 "containing" the words "less than".
- 9 4. Page 1, line 28, by striking the words "or less"
- 10 and inserting in lieu thereof the words "or less".

Amendment H—5792 was adopted.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—5772 filed by him on April 7, 1982 and amendment H—5794 filed by him from the floor.

Hall of Linn offered the following amendment H—5759 filed by him and moved its adoption:

H—5759

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 14, by striking the words "one
- 4 hundred" and inserting in lieu thereof the word
- 5 "fifty".
- 6 2. Page 2, line 20, by striking the words "one
- 7 hundred" and inserting in lieu thereof the word
- 8 "fifty".

Amendment H—5759 lost.

Hansen of O'Brien in the chair at 2:55 p.m.

Hall of Linn offered the following amendment H—5758 filed by him and moved its adoption:

H—5758

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 23, by inserting after the word
- 4 "road." the following: "Anaerobic lagoons which are
- 5 used in connection with industrial treatment of
- 6 wastewater when the average discharge flow is greater
- 7 than two hundred thousand gallons per day shall be
- 8 located at least three thousand five hundred feet from
- 9 a residence not owned by the owner of the lagoon and
- 10 from a public use area other than a public road."

Amendment H—5758 lost.

Smalley of Polk offered amendment H—5807 filed by him from the floor as follows:

H—5807

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 25, by inserting after the word
- 4 "facilities", the words "having operational secondary
- 5 treatment works".

Smalley of Polk asked and received unanimous consent to temporarily defer action on amendment H—5807.

Byerly of Polk called up for consideration amendment H—5776B.

Byerly of Polk asked and received unanimous consent to temporarily defer action on amendment H—5776B.

Stueland of Clinton asked and received unanimous consent to withdraw amendments H—5768 and H—5769, both filed by him on April 7, 1982.

Lloyd-Jones of Johnson offered the following amendment H—5785 filed by her from the floor and moved its adoption:

H—5785

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 12 through 25.

Amendment H—5785 lost.

Smalley of Polk asked and received unanimous consent to withdraw amendment H—5807 filed by him from the floor.

The House resumed consideration of amendment H—5776B filed by Byerly of Polk.

Byerly of Polk moved the adoption of amendment H—5776B.

Amendment H—5776B lost.

Smalley of Polk offered the following amendment H—5808 filed by him from the floor and moved its adoption:

H—5808

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 25 and inserting
- 4 in lieu thereof the following: "facilities and the
- 5 expansion of existing facilities which shall have
- 6 operational secondary treatment works."

Amendment H—5808 lost.

Speaker Stromer in the chair at 4:15 p.m.

Anderson of Audubon moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2243)

The ayes were, 68:

Anderson, J.
Bennett
Carpenter
Clements

Anderson, R.
Binneboese
Chiodo
Cochran

Avenson
Branstad
Clark, B. J.
Conlon

Baxter
Byerly
Clark, J. H.
Cook

Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Gettings	Gross
Groth	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Howell	Hummel	Johnson, J.	Johnson, W.
Lageschulte	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Pellett	Petrick	Poffenberger
Pope	Renaud	Renken	Schnekloth
Schroeder	Shull	Smith	Stueland
Sturgeon	Swartz	Swearingen	Tofte
Tyrrell	Van Maanen	Welsh	Mr. Speaker

The nays were, 31:

Arnould	Brandt	Bruner	Carl
Connolly	Connors	Doderer	Fey
Hall	Horn	Jay	Jochum
Johnson, R.	Knapp	Krewson	Lind
Lloyd-Jones	Oxley	Pavich	Pelton
Poncy	Rapp	Ritsema	Rosenberg
Running	Smalley	Spear	Sullivan
Trucano	Welden	Woods	

Absent or not voting, 1:

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER

(Senate File 2285)

I move to reconsider the vote by which Senate File 2285 passed the House on April 7, 1982.

HORN of Linn

(Senate File 2193)

I move to reconsider the vote by which Senate File 2193 passed the House on April 7, 1982.

HANSON of Delaware

(Senate File 2253)

I move to reconsider the vote by which Senate File 2253 passed the House on April 8, 1982.

SCHROEDER of Pottawattamie

(Amendment H—5787 to Senate File 2253)

I move to reconsider the vote by which amendment H—5787, to Senate File 2253, was adopted by the House on April 8, 1982.

SCHROEDER of Pottawattamie

(Senate File 2243)

I move to reconsider the vote by which Senate File 2243 passed the House on April 8, 1982.

ANDERSON of Audubon

INTRODUCTION OF BILLS

House File 2482, by committee on appropriations, a bill for an act to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication.

Read first time and placed on the **appropriations calendar**.

House File 2483, by Pope and Avenson, a bill for an act to raise the thresholds for review of expenditures under the certificate of need program.

Read first time and referred to committee on **human resources**.

House File 2484, by committee on ways and means, a bill for an act relating to mobile homes by providing that the semiannual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be

transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer, making coordinating amendments and providing a January 1 effective date.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 303, a bill for an act relating to the registration of group day care home providers.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2111, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2344, a bill for an act relating to personal liability of volunteer fire fighters and rescue service operators who render emergency assistance.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2353, a bill for an act to establish a regulatory information service in the Iowa development commission.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2360, a bill for an act to exempt travel trailers from the regulation of mobile home parks.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2371, a bill for an act to revise the procedures of the state appeal board in the consideration of the budgets of local governments and providing an effective date.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2374, a bill for an act relating to escape from a detention facility or institution and providing a penalty.

Also: That the Senate has on April 6, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2382, a bill for an act relating to the identification of the location of wells.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2387, a bill for an act relating to county government by making amendments which are required for accuracy or to reconcile the county home rule Act and other laws or to implement the legislative intent of the county home rule Act.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2388, a bill for an act repealing the provision that area education agencies must obtain approval from the state board of public instruction before purchase or lease of equipment or facilities for media production.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2437, a bill for an act to assure the continuation of human service programs delivered by community action agencies.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2439, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2441, a bill for an act requiring the department of social services to study and recommend a proposal relating to elderly independent group homes.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2442, a bill for an act relating to custody of children upon dissolution of marriage.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2448, a bill for an act relating to the procedure for suspension or cancellation of a grain dealer or grain warehouse license.

Also: That the Senate has on April 7, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2453, a bill for an act relating to the dollar limitation on the administration of certain small estates.

Also: That the Senate has on April 7, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2461, a bill for an act relating to group insurance coverage for county extension office assistants.

K. MARIE THAYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 7, 1982. Had I been present I would have voted "aye" on Senate File 2270.

HOFFMANN-BRIGHT of Muscatine

I was necessarily absent from the House chamber on Wednesday afternoon, April 7, 1982. Had I been present I would have voted "aye" on Senate File 2260.

SWEARINGEN of Keokuk

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five tenth grade students from Urbandale High School, Urbandale, accompanied by Ronda Harwood. By Krewson of Polk.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 362, a bill for an act relating to the state sales, services and use tax by

allowing retailers to provide their own tax exemption certificate, by requiring payments of use taxes to be applied first to accrued penalty and interest and by making corrective changes.

Fiscal Note requested by the Senate.

Recommended Do Pass.

Committee Bill (Material in Senate File 323, as amended), relating to mobile homes by providing that the semiannual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer and providing a January 1 effective date.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5789	S.F. 2233	Conlon of Muscatine
H-5790	S.F. 2233	Conlon of Muscatine
H-5793	S.F. 2233	Spear of Lee
H-5795	H.F. 303	Senate Amendment
H-5796	H.F. 2111	Senate Amendment
H-5797	H.F. 2344	Senate Amendment
H-5798	H.F. 2360	Senate Amendment
H-5799	H.F. 2437	Senate Amendment
H-5800	H.F. 2439	Senate Amendment
H-5801	H.F. 2442	Senate Amendment
H-5802	H.F. 2453	Senate Amendment
H-5803	S.F. 2234	Schroeder of Pottawattamie
		Jay of Appanoose
H-5804	S.F. 2233	Spear of Lee
H-5805	S.F. 2233	Spear of Lee
H-5806	S.F. 2233	Spear of Lee
H-5809	H.F. 2439	Schroeder of Pottawattamie
H-5810	H.F. 2475	Krewson of Polk
		Carpenter of Polk

On motion by Pope of Polk, the House adjourned at 4:24 p.m., until 10:00 a.m., Monday, April 12, 1982.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day—Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 12, 1982

The House met pursuant to adjournment, Speaker pro tempore Menke of O'Brien in the chair.

Prayer was offered by the Honorable Clifford Branstad, state representative from Winnebago County.

The Journal of Thursday, April 8, 1982 was approved.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 1982, he approved and transmitted to the Secretary of State the following bills:

Senate File 454, an act relating to quarterly reports by county officers.

Senate File 535, an act relating to the chronic renal disease program within the State Department of Health.

Senate File 2157, an act to allow vehicles with indivisible loads, mobile homes, and factory-built structures with a width not exceeding fourteen feet six inches and an overall length not exceeding eighty-five feet to be moved on the highways of this state under permit.

Senate File 2182, an act relating to reserve valuation standards for life insurance policies and annuity contracts, and nonforfeiture benefits of life insurance policies.

Senate File 2209, an act relating to the time limitation for the administration of an estate including documentation of title.

Senate File 2210, an act relating to the enforcement of the Iowa State Elevator Code, and providing a civil penalty.

Senate File 2282, an act to establish the Terrace Hill Authority.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- 1982-28 Phil Stillman — 1982 Master Farmer Award
- 1982-29 Wendy Fever — First place honors at the Spring 1982
landscape architecture contest
- 1982-30 City of Hedrick — Centennial

ELIZABETH A. ISAACSON
Chief Clerk of the House

AMENDMENTS FILED

H—5811	H.F. 2439	Schroeder of Pottawattamie
H—5812	H.F. 2439	Schroeder of Pottawattamie
H—5813	H.F. 2439	Schroeder of Pottawattamie

On motion by Pope of Polk, the House adjourned at 10:02 a.m.,
until 9:00 a.m., Tuesday, April 13, 1982.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day—Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 13, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Rodger Buck, pastor of the First Baptist Church, Sibley.

The Journal of Monday, April 12, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Curtis Wuest, Marshalltown.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Harbor of Mills; Rapp of Black Hawk, for a portion of the day, on request of Poncy of Wapello; Tofte of Winneshiek, for a portion of the morning, on request of Holt of Clay.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 1982, adopted the following bill in which the concurrence of the Senate was asked:

House Concurrent Resolution 130, requesting milk be designated as official state beverage of Iowa in conjunction with June as National Dairy Month.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2154, a bill for an act to legalize a conveyance of a parcel of abandoned road by the Guthrie county board of supervisors.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2340, a bill for an act to limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations.

Also: That the Senate has on April 8, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2346, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2365, a bill for an act relating to the testimony of a husband or wife as a witness against the other.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2420, a bill for an act relating to the authority of the state board of public instruction over a school district not maintaining twelve grades.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2425, a bill for an act relating to the use of municipal sewage sludge as fertilizer.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2427, a bill for an act to legalize the action of the board of supervisors of Dubuque county reprecincting Cascade and Whitewater townships effective upon publication.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2429, a bill for an act relating to the use of chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2454, a bill for an act relating to the refund of fees when a mobile home park license is denied, revoked, or suspended.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2457, a bill for an act relating to the disposition of fines and forfeited bail for violations of county ordinances.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2465, a bill for an act correcting erroneous, inconsistent, or obsolete provisions of the Code.

Also: That the Senate has on April 8, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2469, a bill for an act relating to requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways.

K. MARIE THAYER, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2218**, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, and amendment H-5667, filed by the committee on agriculture as follows:

H-5667

- 1 Amend Senate File 2218 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "rights," the words "preserve recreational areas,
- 5 forests, wetlands, streams, lakes, and aquifers,
- 6 preserve critical areas".
- 7 2. Page 2, by striking line 33 through page 3,
- 8 line 1 and inserting in lieu thereof the words "the
- 9 production of farm products".
- 10 3. Page 3, line 10, by inserting after the word
- 11 "agency" the words "serving as nonvoting ex officio
- 12 officers".
- 13 4. Page 3, by striking lines 20 through 22 and
- 14 inserting in lieu thereof the following:
- 15 "2. The persons who served as the chairperson
- 16 and vice chairperson of the temporary state land
- 17 preservation policy commission under Acts of the
- 18 Sixty-seventh General Assembly, 1977 Session, chapter
- 19 53, or their designees shall be members of the state
- 20 council. Subsection 4 does not apply to this
- 21 subsection."
- 22 5. Page 3, by inserting after line 32 the follow-
- 23 ing:

24 "1. The state council shall meet and organize
25 by the election of a chairperson and vice chairperson
26 from among its members. A majority of the members
27 of the state council constitutes a quorum. Concurrence
28 of a quorum is required to determine any matter
29 relating to its official duties.

30 2. The department of soil conservation shall
31 provide clerical staff to the state council."

32 6. Page 5, line 1, by inserting after the word
33 "vacant." the words "The term of a county commissioner
34 is four years. However, in the initial appointments
35 to the county commission, the members appointed under
36 paragraphs a and b of subsection 1 shall be appointed
37 to terms of two years. Members may be appointed to
38 succeed themselves."

39 7. Page 5, by inserting after line 1 the follow-
40 ing:

41 "5. If a county has established a county zoning
42 commission under section 358A.8, the board of
43 supervisors may elect to have that commission serve
44 as the county commission and the county commission
45 shall not be appointed."

46 8. Page 5, by striking lines 3 through 9.

47 9. Page 5, line 15, by inserting after the word
48 "shall" the words "where adequate data is available".

49 10. Page 5, line 24, by striking the words "and
50 residential" and inserting in lieu thereof the words

Page 2

1 "residential and transportation".

2 11. Page 6, by striking lines 4 through 6 and
3 inserting in lieu thereof the following: "a
4 cartographic display which contrasts the county's
5 present land use with the land use in the county in
6 1960. The land use in the county in 1960 shall be
7 determined by the county commission to the best of
8 its belief based on available information. The
9 displays need only show the areas in agriculture,
10 woodlands, commercial, industrial, residential and
11 transportation uses."

12 12. Page 6, line 31, by striking the word and
13 figures "July 1, 1983" and inserting in lieu thereof
14 the word and figures "January 1, 1984".

15 13. Page 6, line 33, by striking the word and
16 figures "December 31, 1983" and inserting in lieu
17 thereof the word and figures "June 30, 1984".

18 14. Page 6, line 35, by striking the word and
19 figures "September 1, 1984" and inserting in lieu
20 thereof the word and figures "March 1, 1985".

21 15. Page 7, line 12, by striking the word and

22 figures "December 31, 1984" and inserting in lieu
23 thereof the word and figures "June 30, 1985".

24 16. Page 7, line 16, by inserting after the word
25 "boards" the words "and shall submit the statewide
26 inventory to the general assembly".

27 17. Page 8, by striking lines 8 through 12 and
28 inserting in lieu thereof the following: "may
29 establish an agricultural district pursuant to chapter
30 358A which is consistent with an adopted comprehensive
31 plan. Such a district shall limit the use of".

32 18. Page 8, line 14, by striking the word "shall"
33 and inserting in lieu thereof the word "may".

Johnson of Linn asked and received unanimous consent to withdraw amendment H-5713 filed by Johnson of Linn and Schroeder on April 6, 1982.

Johnson of Linn offered the following amendment H-5766, to amendment H-5667, filed by Johnson of Linn, et al., and moved its adoption:

H-5766

- 1 Amend amendment H-5667 to Senate File 2218 as
- 2 amended, passed and reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 32 and 33.

Amendment H-5766, to the committee amendment H-5667, was adopted.

Pelton of Clinton offered the following amendment H-5781, to amendment H-5667, filed by him and moved its adoption:

H-5781

- 1 Amend H-5667 to Senate File 2218 as follows:
- 2 1. By striking page 1, line 3 through page 2,
- 3 line 33 and inserting in lieu thereof the following:
- 4 "1. By striking everything after the enacting
- 5 clause and inserting in lieu thereof the following:
- 6 "Section 1. NEW SECTION. LEGISLATIVE POLICY AND
- 7 PURPOSE. It is the intent of the general assembly
- 8 and the policy of this state to provide for the orderly
- 9 use and development of land and related natural
- 10 resources in Iowa for residential, commercial,
- 11 industrial, and recreational purposes. This
- 12 development shall be implemented according to
- 13 comprehensive land preservation and use plans

14 promulgated by the county land preservation and use
15 commission in each county of this state, and enforced
16 by the adoption of the plans by the county board of
17 supervisors as the county comprehensive zoning
18 ordinance.

19 It is the policy of this state that the
20 comprehensive land preservation and use plans and
21 zoning ordinances adopted in each county shall act
22 to preserve the availability and productivity of
23 agricultural land, to protect the soil from wind and
24 water erosion, to protect natural and historic re-
25 sources and fragile ecosystems of this state to include
26 forests, wetlands, rivers, streams, and lakes and
27 their shorelines, aquifers, prairies, and recreational
28 areas, to preserve private property rights, to promote
29 the efficient use and conservation of energy resources,
30 and to promote the creation and maintenance of wildlife
31 habitat.

32 This legislative policy shall be in addition to
33 the objectives stated in sections 358A.5 and 414.3.
34 County zoning commissions established under section
35 358A.8 shall be abolished on December 31, 1982.
36 Members of the county zoning commissions are eligible
37 for appointment to the county land preservation and
38 use commission if they meet the requirements of section
39 2 of this Act.

40 Sec. 2. NEW SECTION. COUNTY LAND PRESERVATION 41 AND USE COMMISSIONS ESTABLISHED.

42 1. There is established in each county a county
43 land preservation and use commission which shall be
44 composed of the following members:

45 a. One member appointed by and from the county
46 agricultural extension council.

47 b. Two members appointed by the district soil
48 conservation commissioners, one of whom must be a
49 member of the district soil conservation commission
50 and one must be a person who is not a commissioner,

Page 2

1 but is actively operating a farm in the county.

2 c. One member appointed by the board of supervisors
3 from the residents of the county who may be a member
4 of the board.

5 d. One member appointed by and from a convention
6 of the mayors and councilpersons of the cities of
7 the county. If a participating city contains fifty
8 percent or more of the total population of the
9 participating cities, that city may appoint the member
10 appointed under this paragraph.

11 However, if a city contains more than fifty percent

12 of the population of a county which has a population
13 exceeding fifty thousand persons, that city shall
14 not participate in the convention of mayors and
15 councilpersons and the members appointed under
16 paragraph d shall be one member appointed by and from
17 the mayor and councilpersons of that city and one
18 member appointed by and from the convention of mayors
19 and councilpersons and the member appointed under
20 paragraph c shall be a resident of the county engaged
21 in actual farming operations appointed by the board
22 of supervisors.

23 2. The county commission shall meet and organize
24 by the election of a chairperson and vice chairperson
25 from among its members. A majority of the members
26 of the county commission constitutes a quorum.
27 Concurrence of a quorum is required to determine any
28 matter relating to its official duties.

29 3. The state agricultural extension service shall
30 assist county commissions with technical,
31 informational, and clerical assistance.

32 4. A vacancy in the county commission shall be
33 filled in the same manner as the appointment of the
34 member whose position is vacant. The term of a county
35 commissioner is four years. However, in the initial
36 appointments to the county commission, the members
37 appointed under paragraphs a and b of subsection 1
38 shall be appointed to terms of two years. Members
39 may be appointed to succeed themselves.

40 Sec. 3. NEW SECTION. COUNTY LAND USE INVENTORY.

41 Each county land preservation and use commission shall
42 compile a county land use inventory using the
43 information compiled under Acts of the Sixty-seventh
44 General Assembly, 1977 Session, chapter 53, and other
45 pertinent land use information available from county
46 or state agencies. The state department of agri-
47 culture, office of planning and programming, department
48 of soil conservation, state conservation commission,
49 Iowa natural resources council, department of
50 environmental quality, geological survey, state

Page 3

1 agricultural extension service, and the Iowa
2 development commission shall provide to each county
3 land preservation and use commission any pertinent
4 land use information available to assist in the
5 compiling of the county land use inventories.

6 Sec. 4. NEW SECTION. COMPREHENSIVE COUNTY LAND
7 PRESERVATION AND USE PLAN. Each county land
8 preservation and use commission shall create a primary
9 comprehensive county land preservation and use plan

10 by September 1, 1984. The primary plan shall be
11 published in at least one newspaper of general
12 circulation within the county to ensure broad public
13 awareness of its contents, and shall include a
14 comprehensive county map showing the effects of the
15 proposed primary plan. The publication shall also
16 include the date, time, and place for at least three
17 public hearings on the primary plan to be held in
18 various locations in the county by the county land
19 preservation and use commission during the month of
20 September, 1984. A final comprehensive county land
21 preservation plan shall be completed and adopted by
22 the county land preservation and use commission no
23 later than December 31, 1984, and the plan shall be
24 submitted to the county board of supervisors during
25 the first official meeting of the county board in
26 January of 1985.

27 **Sec. 5. NEW SECTION. IMPLEMENTATION OF**
28 **COMPREHENSIVE COUNTY LAND PRESERVATION AND USE PLAN.**

29 The county boards of supervisors shall adopt a
30 comprehensive county zoning ordinance to implement
31 the final comprehensive county land preservation and
32 use plan no later than July 1, 1985. The county board
33 of supervisors may amend the final comprehensive plan
34 only upon the approval of a majority of the members
35 of the county land preservation and use commission.
36 A variance to the comprehensive county zoning ordinance
37 adopted under this section shall be effective only
38 upon the approval of a majority of the members of
39 the county land preservation and use commission and
40 of the county board of supervisors.

41 **Sec. 6. NEW SECTION. SCHEDULE OF PROCEDURES.**

42 1. The county land preservation and use commissions
43 shall be appointed and be organized by December 31,
44 1982.

45 2. The county land preservation and use commissions
46 shall compile the county land use inventory by July
47 1, 1983.

48 3. The county land preservation and use commission
49 shall complete a primary comprehensive land
50 preservation and use plan by September 1, 1984.

Page 4

1 4. The county land preservation and use commission
2 shall complete and adopt a final comprehensive land
3 preservation and use plan by December 31, 1984.

4 5. The county board of supervisors shall adopt
5 the final county land preservation and use plan as
6 the comprehensive county zoning ordinance by July
7 1, 1985.

8 Sec. 7. NEW SECTION. AGRICULTURAL AREAS. Owners
9 of agricultural land utilized for the production of
10 crops and livestock may submit a proposal to the
11 county land preservation and use commission for the
12 creation of an agricultural area within the county.
13 The proposal shall include a legal description and
14 the boundaries of the proposed area, and the area
15 shall be as compact and as nearly adjacent as feasible.
16 Land shall not be included in an agricultural area
17 without the written consent of the owner. Agricultural
18 areas shall not exist within the corporate limits
19 of a city. The county land preservation and use
20 commission may accept the proposal and include the
21 agricultural area in the comprehensive county land
22 preservation and use plan if the agricultural area
23 assists in the implementation of the policy established
24 in section 1 of this Act. An owner of agricultural
25 land may petition the county land preservation and
26 use commission for inclusion into or withdrawal from
27 an agricultural area after the final comprehensive
28 land preservation and use plan is adopted by the
29 county board of supervisors.

30 Sec. 8. NEW SECTION. NUISANCE RESTRICTION.
31 A farm operation located in an agricultural area shall
32 not be found to be a nuisance regardless of the
33 established date of operation or expansion of the
34 agricultural activities of the farm operation. The
35 subsection does not apply if the nuisance results
36 from the negligent operation of the farm. This section
37 does not apply to actions or proceedings arising from
38 injury or damage to person or property caused by the
39 farm operation before the creation of the agricultural
40 area or agricultural district. This subsection does
41 not affect or defeat the right of a person to recover
42 damages for injury or damage sustained by the person
43 because of the pollution or change in condition of
44 the waters of a stream, the overflowing of the person's
45 land, or excessive soil erosion onto another person's
46 land.

47 Sec. 9. NEW SECTION. WATER USE PRIORITY. In
48 the application for a permit to divert, store, or
49 withdraw water and in the allocation of available
50 water resources under a water permit system, the Iowa

Page 5

1 natural resources council shall give priority to the
2 use of water resources by farm operations, exclusive
3 of irrigation, located in an agricultural area over
4 all other uses except the competing uses of water
5 for ordinary household purposes.

6 Sec. 10. NEW SECTION. ENFORCEMENT. If a county
7 land preservation and use commission or a county board
8 of supervisors fails to meet the requirements of this
9 Act, the county attorney or an interested citizen
10 in the affected county or the attorney general of
11 Iowa may seek judicial review and enforcement of this
12 Act.

13 Sec. 11. NEW SECTION. STATE AGENCIES. All state
14 agencies, boards, commissions, and departments which
15 own and utilize land in this state shall be subject
16 to the policy established in section 1, unnumbered
17 paragraph 2 of this Act, and a rule adopted under
18 chapter 17A or activity taken by a state agency,
19 board, commission, or department shall not conflict
20 with the state land preservation and use policy
21 established by this Act.

22 If after the effective date of this Act a proposed
23 or adopted rule or activity by a state agency, board,
24 commission, or department conflicts with the policy
25 established in this Act, the attorney general of Iowa
26 may seek judicial review and enforcement of this Act.

27 If after July 1, 1985 a proposed or adopted rule
28 or activity by a state agency, board, commission,
29 or department conflicts with the final comprehensive
30 county land preservation and use plan or the county
31 zoning ordinance of a county, the county attorney
32 or an interested citizen in the affected county may
33 seek judicial review and enforcement of the comprehen-
34 sive county plan and zoning ordinance.

35 Sec. 12. Section 358A.5, unnumbered paragraph
36 1, Code 1981 Supplement, is amended to read as follows:

37 Such The regulations shall be made in accordance
38 with a comprehensive plan and designed to preserve
39 the availability and productivity of agricultural
40 land and protect the soil from wind and water erosion;
41 to lessen congestion in the street or highway; to
42 secure safety from fire, flood, panic, and other
43 dangers; to protect health and the general welfare;
44 to provide adequate light and air; to prevent the
45 overcrowding of land; to avoid undue concentration
46 of population; to promote the conservation of energy
47 resources; to promote reasonable access to solar
48 energy; to facilitate the adequate provision of
49 transportation, water, sewerage, schools, parks and
50 other public requirements. However, provisions of

1 this section relating to the objectives of energy
2 conservation and access to solar energy shall not
3 be construed as voiding any zoning regulation existing

4 on July 1, 1981, or to require zoning in a county-
5 that did not have zoning prior to July 1, 1981.

6 Sec. 13. Section 414.3, unnumbered paragraph 1,
7 Code 1981, as amended by Acts of the Sixty-ninth
8 General Assembly, 1981 Session, chapter 125, section
9 2, is amended to read as follows:

10 Such The regulations shall be made in accordance
11 with a comprehensive plan and designed to preserve
12 the availability and productivity of agricultural
13 land and protect the soil from wind and water erosion;
14 to lessen congestion in the street; to secure safety
15 from fire, flood, panic, and other dangers; to promote
16 health and the general welfare; to provide adequate
17 light and air; to prevent the overcrowding of land;
18 to avoid undue concentration of population; to promote
19 the conservation of energy resources; to promote
20 reasonable access to solar energy; to facilitate the
21 adequate provision of transportation, water, sewerage,
22 schools, parks, and other public requirements.
23 However, provisions of this section relating to the
24 objectives of energy conservation and access to solar
25 energy shall not be construed as voiding any zoning
26 regulation existing on the effective date of this
27 Act, or to require zoning in a city that did not have
28 zoning prior to the effective date of this Act.

29 Sec. 14. This Act shall not invalidate any part
30 of a zoning ordinance which is in effect on the
31 effective date of this Act, but this Act requires
32 that each county adopt a comprehensive zoning ordinance
33 by July 1, 1985 in accordance with sections 5 and 6 of this
34 Act."

35 2. Amend the title, line 2, by striking the word
36 "agricultural".

37 3. Amend the title, line 3, by striking the word
38 "use" and inserting in lieu thereof the words
39 "comprehensive county zoning".

Roll call was requested by Avenson of Fayette and Schroeder of Pottawattamie.

Rule 80 was invoked.

On the question "Shall amendment H—5781 be adopted?"

The ayes were, 49:

Anderson, R.
Bennett
Carl

Arnould
Binneboese
Carpenter

Avenson
Brandt
Chiodo

Baxter
Bruner
Clark, B. J.

Cochran	Connolly	Connors	Copenhaver
Davitt	Dieleman	Doderer	Fey
Groth	Hall	Halvorson, R. N.	Horn
Howell	Jay	Jochum	Knapp
Krewson	Lloyd-Jones	Loneragan	McKean
Norland	O'Kane	Oxley	Pavich
Pelton	Poffenberger	Poncy	Renaud
Ritsema	Rosenberg	Running	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 45:

Anderson, J.	Branstad	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	De Groot	Diemer	Gettings
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Lageschulte
Lind	Mann	Maulsby	Menke
Mullins	Pellett	Petrick	Pope
Renken	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Swearingen
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 6:

Byerly	Danker	Egenes	Rapp
Smalley	Tofte		

Amendment H—5781, to the committee amendment H—5667, was adopted.

Bennett of Ida moved the adoption of amendment H—5667, as amended.

Roll call was requested by Cook of Hardin and Harbor of Mills.

On the question "Shall amendment H—5667, as amended, be adopted?"

The ayes were, 53:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Bruner
Carl	Carpenter	Chiodo	Clark, B.J.
Cochran	Connolly	Connors	Copenhaver
Davitt	Dieleman	Diemer	Doderer
Fey	Groth	Hall	Halvorson, R. N.

Horn	Howell	Jay	Jochum
Knapp	Krewson	Lloyd-Jones	Loneragan
McKean	Norland	O'Kane	Oxley
Pavich	Pelton	Petrick	Poffenberger
Poncy	Renaud	Ritsema	Rosenberg
Running	Shull	Sturgeon	Sullivan
Swartz	Walter	Welden	Welsh
Woods			

The nays were, 41:

Anderson, J.	Branstad	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	De Groot	Gettings	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Mann	Maulsby	Menke	Mullins
Pellett	Pope	Renken	Schnekloth
Schroeder	Smith	Spear	Stueland
Swearingen	Trucano	Tyrrell	Van Maanen
Mr. Speaker			

Absent or not voting, 6:

Byerly	Danker	Egenes	Rapp
Smalley	Tofte		

With the adoption of the committee amendment H—5667, as amended, the following amendments were ruled out of order:

H—5688 filed by Cochran of Webster, et al., on April 2, 1982.
H—5698 filed by Schnekloth of Scott, at al., on April 5, 1982.
H—5704 filed by Smalley of Polk and Bennett on April 5, 1982.
H—5708 filed by Davitt of Warren, et al., on April 5, 1982.
H—5714 filed by Johnson of Linn and Schroeder on April 6, 1982.

H—5715, to amendment H—5688, filed by Conlon of Muscatine on April 6, 1982.

H—5716 filed by Conlon of Muscatine on April 6, 1982.

H—5717 filed by Conlon of Muscatine on April 6, 1982.

H—5721 filed by Bennett of Ida on April 6, 1982.

H—5728 filed by Johnson of Linn on April 6, 1982.

H—5729 filed by Johnson of Linn on April 6, 1982.

H—5732 filed by Bennett of Ida on April 6, 1982.

H—5733 filed by Mullins of Kossuth, et al., on April 6, 1982.

H—5764 filed by Swartz of Marshall and Carpenter on April 7, 1982.

H—5765 filed by Pellett of Cass on April 7, 1982.

H—5766, to the committee amendment H—5667, previously adopted, filed by Johnson of Linn, et al., on April 7, 1982.

H—5777 filed by Johnson of Linn, et al., on April 7, 1982.

H—5778 filed by Johnson of Linn, et al., on April 7, 1982.

H—5779 filed by Johnson of Linn on April 7, 1982.

H—5780, to amendment H—5688, filed by Dieleman of Marion and Baxter on April 7, 1982.

H—5815 filed by Cochran of Webster from the floor.

H—5816 filed by Cochran of Webster from the floor.

H—5817 filed by Cochran of Webster from the floor.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2218)

The ayes were, 53:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Cochran	Connolly	Connors	Copenhaver
Davitt	Dieleman	Diemer	Doderer
Fey	Groth	Hall	Halvorson, R. N.
Horn	Howell	Hummel	Jay
Jochum	Knapp	Krewson	Lageschulte
Lloyd-Jones	Loneragan	McKean	Mullins
O'Kane	Oxley	Pavich	Pelton
Poffenberger	Poney	Renaud	Ritsema
Rosenberg	Running	Smalley	Sturgeon
Sullivan	Swartz	Welden	Welsh
Woods			

The nays were, 43:

Anderson, J.	Branstad	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	De Groot	Gettings	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Johnson, J.	Johnson, R.
Johnson, W.	Lind	Mann	Maulsby
Menke	Norland	Pellett	Petrick
Pope	Renken	Schnekloth	Schroeder

Shull
Swearingen
Van Maanen

Smith
Tofte
Walter

Spear
Trucano
Mr. Speaker

Stueland
Tyrrell

Absent or not voting, 4:

Byerly

Danker

Egenes

Rapp

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

House File 2476, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance, with report of committee recommending passage was taken up for consideration.

Van Maanen of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2476)

The ayes were, 86:

Anderson, J.
Baxter
Branstad
Chiodo
Conlon
Copenhaver
De Groot
Groth
Hansen, I.
Holt
Jay
Johnson, W.
Lonergan
Menke
Oxley
Poffenberger
Renken
Schroeder
Spear
Swartz

Anderson, R.
Bennett
Bruner
Clark, J. H.
Connolly
Corey
Diemer
Hall
Hanson, D.
Horn
Jochum
Knapp
Mann
Mullins
Pavich
Poncy
Ritsema
Shull
Stueland
Swearingen

Arnould
Binneboese
Carl
Clements
Connors
Daggett
Gettings
Halvorson, R. A.
Harbor
Howell
Johnson, J.
Lageschulte
Maulsby
Norland
Pellett
Pope
Rosenberg
Smalley
Sturgeon
Tofte

Avenson
Brandt
Carpenter
Cochran
Cook
Davitt
Gross
Halvorson, R. N.
Hoffmann-Bright
Hummel
Johnson, R.
Lind
McKean
O'Kane
Petrick
Renaud
Schneklloth
Smith
Sullivan
Trucano

Tyrrell
Woods

Van Maanen
Mr. Speaker

Welden

Welsh

The nays were, 6:

Clark, B. J.
Running

Doderer
Walter

Fey

Lloyd-Jones

Absent or not voting, 8:

Byerly
Egenes

Crabb
Krewson

Danker
Pelton

Dieleman
Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 2474, a bill for an act to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication, with report of committee recommending passage was taken up for consideration.

Diemer of Black Hawk offered amendment H-5582 filed by Diemer, et al., as follows:

H-5582

1 Amend House File 2474 as follows:

2 1. Page 1, by inserting after line 18 the following
3 new section:

4 "Sec. . House File 396, section 2, enacted
5 by the Sixty-ninth General Assembly, 1982 Session,
6 is amended to read as follows:

7 SEC. 2. This Act takes effect is retroactive to
8 January 1, following enactment 1982 for tax years
9 beginning on or after that date."

10 2. Amend the title by striking all of the title
11 after the word "Act" in line 1 and inserting in lieu
12 thereof the words "relating to income tax effective
13 dates by providing that those provisions of the
14 Economic Recovery Tax Act of 1981 which are effective
15 for tax years ending on or after January 1, 1981 shall
16 be applicable for computing Iowa net income for the
17 same tax year, and to make the income tax checkoff
18 for the state fish and game protection fund retroactive

19 to January 1, 1982 for tax years beginning on or after
 20 that date, effective upon publication."
 21 3. Renumber sections and correct internal
 22 references as are necessary in accordance with this
 23 amendment.

Schnekloth of Scott rose on a point of order that amendment H-5582 was not germane.

The Speaker ruled the point well taken and amendment H-5582 not germane.

Shull of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2474)

The ayes were, 84:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Davitt
De Groot	Diemer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Pope	Renaud	Renken
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, 10:

Baxter	Connors	Doderer	Halvorson, R. N.
Knapp	Lloyd-Jones	O'Kane	Poncy
Running	Sullivan		

Absent or not voting, 6:

Byerly
Rapp

Danker
Welden

Dieleman

Egenes

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT TO VOTE

Smith of Scott asked and received unanimous consent to be recorded as voting "aye" on House File 2474.

The vote was so recorded.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk on request of Woods of Polk.

House File 2475, a bill for an act relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date, with report of committee recommending passage was taken up for consideration.

Krewson of Polk offered amendment H—5810 filed by Krewson and Carpenter as follows:

H—5810

- 1 Amend House File 2475 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing:
- 4 "Section 1. Section 422.42, subsection 3,
- 5 unnumbered paragraph 1, Code 1981, is amended to read
- 6 as follows:
- 7 "Retail sale" or "sale at retail" means the sale
- 8 to a consumer or to any person for any purpose, other
- 9 than for processing or, for resale of tangible personal
- 10 property or taxable services, or for resale of tangible
- 11 personal property in connection with taxable services,
- 12 and includes the sale of gas, electricity, water,
- 13 and communication service to retail consumers or
- 14 users, but does not include agricultural breeding

15 livestock and domesticated fowl or commercial
16 fertilizer or, agricultural limestone or materials,
17 but not tools or equipment, herbicide, pesticide,
18 insecticide, food and medication which are to be used
19 in disease control, weed control, insect control,
20 or health promotion of plants or livestock produced
21 as part of agricultural production for market, or
22 and does not include electricity or, steam or any
23 taxable service when purchased and used in the
24 processing of tangible personal property intended
25 to be sold ultimately at retail. Tangible personal
26 property is sold for processing within the meaning
27 of this subsection only when it is intended that such
28 the property shall by means of fabrication,
29 compounding, manufacturing, or germination become
30 an integral part of other tangible personal property
31 intended to be sold ultimately at retail, or shall
32 be consumed as fuel in creating heat, power, or steam
33 for processing including grain drying or for generating
34 electric current, or consumed in self-propelled
35 implements of husbandry engaged in agricultural
36 production, or such the property is a chemical,
37 solvent, sorbent, or reagent, which is directly used
38 and is consumed, dissipated, or depleted, in processing
39 personal property which is intended to be sold
40 ultimately at retail, and which may not become a
41 component or integral part of the finished product.
42 The distribution to the public of free newspapers
43 or shoppers guides shall be deemed is a retail sale
44 for purposes of the processing exemption."
45 2. Title page, line 1, by inserting after the
46 word "to" the following: "the sales tax, including
47 the definition of retail sale and".
48 3. By renumbering as necessary.

Ritsema of Sioux rose on a point of order that amendment H—5810 was not germane.

The Speaker ruled the point well taken and amendment H—5810 not germane.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2475)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Byerly	Danker	Dieleman	Rapp
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2478, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax, with report of committee recommending passage was taken up for consideration.

Clark of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2478)

The ayes were, 63:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Connolly
Connors	Cook	Copenhaver	Corey
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Hall	Halvorson, R. A.
Hansen, I.	Harbor	Hoffmann-Bright	Horn
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	McKean	Mullins	Norland
O'Kane	Pavich	Pellett	Pelton
Poffenberger	Poncy	Pope	Renaud
Rosenberg	Schneklath	Shull	Smith
Sturgeon	Swartz	Swearingen	Trucano
Walter	Woods	Mr. Speaker	

The nays were, 33:

Binneboese	Clements	Conlon	Crabb
Daggett	Davitt	De Groot	Gross
Groth	Halvorson, R. N.	Hanson, D.	Holt
Howell	Hummel	Knapp	Loneragan
Mann	Maulsby	Menke	Oxley
Petrick	Renken	Ritsema	Running
Schroeder	Spear	Stueland	Sullivan
Tofte	Tyrrell	Van Maanen	Welden
Welsh			

Absent or not voting, 4:

Byerly	Danker	Rapp	Smalley
--------	--------	------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 549, a bill for an act relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property, with report of committee recommending amendment and passage was taken up for consideration.

Bennett of Ida offered the following amendment H—5710 filed by the committee on ways and means and moved its adoption:

H—5710

1 Amend Senate File 549, as passed by the Senate,
2 as follows:

3 1. Page 1, line 17, by striking the words "in
4 the year" and inserting in lieu thereof the words
5 "for the fiscal year".

6 2. Page 1, by striking lines 20 and 21 and
7 inserting in lieu thereof the words "by the number
8 of months in the fiscal year in which the property
9 was acquired which elapsed prior to the month in which
10 the property owner".

11 3. Page 1, line 33, by inserting after the period
12 the words "The county treasurer shall collect and
13 accept the payment received on property acquired for
14 road purposes as full and final payment of all property
15 tax and special assessments on the property and
16 apportion the payment on the basis of the levy in
17 effect in the fiscal year in which the property is
18 acquired."

The committee amendment H—5710, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chiodo of Polk, for the remainder of the morning session, on request of Avenson of Fayette.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 549)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egènes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.

Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Woods	Mr. Speaker

The nays were, 1:

Welsh

Absent or not voting, 7:

Byerly	Chiodo	Connors	Danker
Fey	Rapp	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 559, a bill for an act deleting the population requirement for counties to levy a tax for the operation, maintenance, and management of a health center, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 559)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cochran	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth

Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lind	Lloyd-Jones	Loneragan
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, 6:

Branstad	Conlon	Knapp	Lageschulte
Mann	Maulsby		

Absent or not voting, 5:

Byerly	Chiodo	Danker	Rapp
Welden			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2234**, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, and the reconsideration of amendment H—5734, to the committee amendment H—5600, found on page 1278 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on amendment H—5734 for the consideration of amendment H—5803.

Schroeder of Pottawattamie offered amendment H—5803, to amendment H—5600, filed by Schroeder and Jay as follows:

H—5803

- 1 Amend amendment H—5600 to Senate File 2234 as
- 2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:

7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the
33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the
35 construction or reconstruction must comply with
36 applicable state well construction standards. In
37 cases of proposed permitted uses, the commissioner
38 or council will determine and require that compensation
39 be paid prior to issuance of a regular permit only
40 when the determination is based upon data gathered
41 through authorized test drillings and pumpings pursuant
42 to a temporary permit or other identifiable data.
43 If water systems affected by temporary pumpings have
44 recovered within seven days of the completion of the
45 test, the owner of the affected system shall have
46 no grounds for permanent damages arising from the
47 testing.

48 Sec. 2. NEW SECTION. A state agency shall not
49 adopt or enforce any rules which will cause
50 interference with the placement of a pit over the

Page 2

- 1 top of a well.
2 Sec. 3. NEW SECTION. A state agency shall not
3 adopt or enforce any rules regarding augered wells
4 except rules which require the access level to be
5 at least one foot above ground level and the earth
6 around the access be sloped downward away from the
7 well for drainage.
8 Sec. 4. NEW SECTION. A state agency shall not
9 adopt or enforce any rules which would prohibit the
10 use of a windmill and force pump placed within and
11 over the top of a well." "

Hanson of Delaware rose on a point of order that amendment H—5803 was not germane.

The Speaker ruled the point well taken and amendment H—5803, to the committee amendment H—5600, not germane.

(Senate File 2234 and amendment H—5600 pending.)

HOUSE RULE 38 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 38 to add the following bills to the Daily Debate Calendar for Wednesday, April 14, 1982: Senate Files 2091, 362 and House File 2482.

PRESENTATION OF PELLA TULIP QUEEN AND HER ATTENDANTS

Dieleman of Marion presented to the House Nancy Thies from Pella, Queen of the 1982 Bicentennial Pella Tulip Festival to be held in Pella, May 6, 7 and 8.

Queen Nancy presented Speaker Stromer with the traditional kiss and invited everyone to attend the festival. She introduced her attendants Lori Vander Leest, Ann Vermeer, Lee Ann DeReus and Rosie Van Wyk.

Those present from Pella were dressed in native Dutch costume and distributed the famous Pella Dutch cookies.

The House rose and expressed its welcome and appreciation.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to discontinue printing those bills listed on the Regular Calendar that are no longer eligible under Joint Rule 18.

HOUSE RULE 61 SUSPENDED

Welden of Hardin asked and received unanimous consent to suspend House Rule 61 in regard to the writing of the agenda for the appropriations committee meeting.

HOUSE CONCURRENT RESOLUTION 142

By Pope and Avenson

1 *Whereas*, the board of nursing examiners has proposed
2 and adopted various rules relating to the acts which
3 may be performed by registered nurses and licensed
4 practical nurses; and

5 *Whereas*, the board of nursing examiners is
6 contemplating additional rule making relating to
7 additional acts which may be performed by nurses;
8 and

9 *Whereas*, it is uncertain whether these proposals
10 actually reflect the scope of the practice of nursing
11 as it actually exists; and

12 *Whereas*, it is uncertain what the appropriate
13 respective roles of registered nurses and licensed
14 practical nurses are and what the appropriate role
15 of nursing is in relation to the other practitioners
16 in the health care field; and

17 *Whereas*, this uncertainty has resulted in turmoil
18 and dissension within the practice of nursing and
19 among the practitioners in the health care field
20 as a whole; *Now Therefore*,

21 *Be It Resolved by the House of Representatives,*
22 *the Senate Concurring*, That the legislative council
23 is requested to create a ten-member study committee
24 which shall include four members of the administrative
25 rules review committee, two from each house and two
26 from each political party; and six members of the
27 appropriate standing committees of the senate and
28 the house of representatives, which represent both
29 political parties. The committee shall meet during
30 the 1982 legislative interim for the purpose of

Page 2

1 determining the current prevailing practice within

2 the practice of nursing, the appropriate role of the
3 practice of nursing within the scope of the healing
4 arts and the appropriate roles of registered nurses
5 and licensed practical nurses within the practice of
6 nursing.

7 *Be It Further Resolved*, That the study committee
8 shall prepare and submit a report to the legislative
9 council and to the general assembly at the conclusion
10 of the interim, accompanied by legislative bill drafts
11 designed to carry out any recommendation by the com-
12 mittee.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 11:59 a.m.,
until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

BUSINESS PENDING

Unfinished Business Calendar

The House resumed consideration of **Senate File 2234**, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, and the committee amendment H—5600, found on page 1278 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on amendment H—5773, to the committee amendment H—5600.

Smalley of Polk offered amendment H—5818 filed by Smalley and Jay from the floor as follows:

H—5818

1 Amend amendment H—5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "1. By striking all after after the enacting clause
6 and inserting in lieu thereof the following:

7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the
33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the
35 construction or reconstruction must comply with
36 applicable state well construction standards. In
37 cases of proposed permitted uses, the commission or
38 council will determine and require that compensation
39 be paid prior to issuance of a regular permit only
40 when the determination is based upon data gathered
41 through authorized test drillings and pumpings pursuant
42 to a temporary permit or other identifiable data.
43 If water systems affected by temporary pumpings have
44 recovered within seven days of the completion of the
45 test, the owner of the affected system shall have
46 no grounds for permanent damages.

SENATE FILE 2234 DEFERRED

Schroeder of Pottawattamie asked and received unanimous consent that Senate File 2234 be deferred and that the bill retain its place on the Unfinished Business Calendar.

The House resumed consideration of Senate File 2221, a bill for

an act relating to the regulation of agricultural and vegetable seed, and relating to penalties, and amendment H—5691, to the committee amendment H—5536, found on pages 1219 and 1220 of the House Journal.

Schroeder of Pottawattamie moved the adoption of amendment H—5691.

Amendment H—5691, to the committee amendment H—5536, was adopted, placing out of order amendment H—5673, to amendment H—5536, filed by Cook of Hardin on April 1, 1982.

Cook of Hardin moved the adoption of amendment H—5536, as amended.

The committee amendment H—5536, as amended, was adopted.

Cook of Hardin offered the following amendment H—5609 filed by Cook, et al., and moved its adoption:

H—5609

- 1 Amend Senate File 2221 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by inserting after line 10, the following:
- 4 "The Iowa Secretary of Agriculture shall by rule,
- 5 define the terms "breeder", "foundation", "registered",
- 6 "certified" and "inbred", as used in this Act."
- 7 2. Page 9, line 27, by striking the words "test or".

Amendment H—5609 was adopted.

Cook of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2221)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver

Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Binneboese	Byerly	Connors	Danker
Norland	Welden		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED

House Concurs

Conlon of Muscatine called up for consideration **House File 2240**, a bill for an act relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5351

- 1 Amend House File 2240 as follows:
- 2 1. Page 2, line 10, by striking the words
- 3 "voluntarily enter the hospital" and inserting in
- 4 lieu thereof the words "be admitted voluntarily to
- 5 the hospital".

- 6 2. Page 2, line 15, by striking the words
 7 "voluntarily enter the hospital" and inserting in
 8 lieu thereof the words "be admitted voluntarily to
 9 the hospital".

The motion prevailed and the House concurred in the Senate amendment H—5351.

Conlon of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2240)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Avenson	Byerly	Danker	Egenes
Gross			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Johnson of Woodbury called up for consideration **House File 2250**, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, amended by the following Senate amendment:

H—5670

- 1 Amend House File 2250 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 20, by striking the words “,
- 4 including trade names” and inserting in lieu thereof
- 5 the words “, including trade names”.
- 6 2. Page 1, line 23, by inserting after the word
- 7 “have” the words “free air for tire inflation and”.
- 8 3. Page 1, line 24, by inserting after the period
- 9 the words “The department shall post advertising
- 10 devices providing specific information of interest
- 11 to the traveling public relating to ski areas located
- 12 near the freeway primary highway. The signs shall
- 13 be those signs bearing the international logo for
- 14 designation of ski areas and shall only be posted
- 15 within two hundred fifty feet of an interchange on
- 16 a freeway primary highway for the period beginning
- 17 November 1 of each year to April 1 of the following
- 18 year.”

Johnson of Woodbury offered the following amendment H—5679, to amendment H—5670, filed by him and moved its adoption:

H—5679

- 1 Amend the Senate amendment, H—5670, to House File
- 2 2250, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 8 through 18.

Amendment H—5679, to the Senate amendment H—5670, was adopted.

Johnson of Woodbury moved that the House concur in the Senate amendment H—5670, as amended.

The motion prevailed and the House concurred in the Senate amendment H—5670, as amended.

Johnson of Woodbury moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2250)

The ayes were, 90:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Rosenberg	Running	Schneklath
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 8:

De Groot	Dieleman	Knapp	Krewson
O'Kane	Renaud	Ritsema	Smalley

Absent or not voting, 2:

Byerly	Danker
--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Lageschulte of Bremer called up for consideration **House File 828**, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board, and to provide that the Act takes effect January 1, 1982, amended by the following Senate amendment:

H-5656

1 Amend House File 828, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 64.6, subsection 19, Code
6 1981, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 19. Executive director of the state historical
9 department, one thousand dollars.

10 Sec. 2. Section 303.1, Code 1981, is amended by
11 striking the section and inserting in lieu thereof
12 the following:

13 303.1 ESTABLISHMENT OF DEPARTMENT. There is
14 established the Iowa state historical department.

15 There is established a state historical board
16 consisting of seven members appointed by the governor,
17 subject to senate confirmation. The members shall
18 include the following:

19 1. One member who is an historian employed by
20 an institution of higher learning under the control
21 of the state board of regents.

22 2. One member who is an historian employed by
23 an institution of higher learning not under the control
24 of the state board of regents.

25 3. One member who is a professionally-employed
26 archaeologist.

27 4. Two members selected from recommendations of
28 officers of the state historical society.

29 5. Two members who represent the general public.
30 The duties of the board are prescribed in section
31 303.6.

32 The term of office of members of the board shall
33 commence and end as provided in section 69.19 and
34 shall be three years.

35 Sec. 3. Section 303.2, unnumbered paragraph 1,
36 Code 1981, is amended to read as follows:

37 The state historical board shall annually elect
38 a ~~chairman~~ chairperson and vice ~~chairman~~ chairperson
39 from its membership, and the executive director of
40 the ~~division of historical museum and archives~~ shall
41 serve as secretary to the board. The board shall
42 meet as often as deemed necessary, upon the call of
43 the ~~chairman and vice chairman~~ chairperson, or at
44 the request of a majority of the members of the board.

45 Sec. 4. Section 303.3, Code 1981, is amended by
46 striking the section and inserting in lieu thereof
47 the following:

48 303.3 EXECUTIVE DIRECTOR. The governor shall
49 appoint an executive director, subject to confirmation
50 by the senate, from recommendations submitted by the

Page 2

1 board. The governor shall appoint the executive
2 director on the basis of professional training and
3 ability to administer the duties of the department
4 and without regard to political affiliation.

5 The executive director shall serve a three-year
6 term of office commencing and ending as provided in
7 section 69.19.

8 The salary of the executive director shall be set
9 by the general assembly.

10 Sec. 5. Section 303.4, Code 1981, is amended to
11 read as follows:

12 303.4 MEMBERSHIP IN STATE HISTORICAL SOCIETY.

13 The state historical board shall establish rules for
14 membership of the general public in the state
15 historical society, including rules relating to
16 membership fees. Members shall be persons who indicate
17 an interest in the history, progress, and development
18 of the state and who pay the prescribed fee. The
19 members of the state historical society may meet at
20 least one time per year to further the understanding
21 of the history of this state. The election of members
22 of the state historical board, as provided in section
23 303.1, shall be by mailed ballot as provided in bylaws
24 adopted by the society and approved by the state
25 historical board. The society may elect officers,
26 and the executive director of the division of the
27 state historical society department, or the executive
28 director's designee, shall serve as secretary to the
29 society. The officers of the society shall not
30 determine policy for the division of the state
31 historical society department but may perform functions
32 to stimulate interest in the history of this state
33 among the general public. The society may perform
34 other activities related to history which are not
35 contrary to the provisions of this chapter, subject
36 to the approval of the state historical board.

37 1. It is the intent of the general assembly that,
38 as As used in this chapter, "state historical society"
39 means only the division of the Iowa state historical
40 department society, an agency solely of the state,
41 which is denominated the division of the state
42 historical society located in Iowa City. It does
43 not mean or include any private entity.

44 2. A corporation organized under the laws of this
45 state shall not exercise any powers or duties
46 exercisable by law by the Iowa state historical
47 department and its divisions. If a corporation
48 exercises or attempts to exercise these powers or
49 duties, it shall be subject to an equitable suit for
50 involuntary dissolution by any interested person.

Page 3

1 3. 2. Unless specifically designated otherwise,
2 any a gift, bequest, devise, endowment, or grant to
3 or application for membership in the state historical
4 society shall be presumed to be to or in the division
5 of the state historical society of the Iowa state
6 historical department.

7 Sec. 6. Section 303.5, Code 1981, is amended by
8 striking the section and inserting in lieu thereof
9 the following:

10 303.5 POWERS AND DUTIES OF EXECUTIVE DIRECTOR.

11 The executive director of the Iowa state historical
12 department shall:

13 1. Develop a comprehensive, coordinated, and
14 efficient policy to preserve, research, interpret,
15 and promote to the public an awareness and
16 understanding of local, state, and regional history.

17 2. Organize the activities of the department to
18 provide for the following: archives, museum, library
19 services, historical society, research and publication,
20 historic preservation, microfilming, and public
21 services.

22 3. Administer and care for the historical building,
23 the centennial building, Montauk, Toolsboro mounds,
24 the Gardner cabin, and other sites under the authority
25 of the department, and maintain collections within
26 these buildings.

27 4. Coordinate the activities of the department
28 with federal, state, and local agencies.

29 5. Encourage and assist local county and state
30 organizations and museums devoted to historical
31 purposes.

32 6. Employ necessary personnel under chapter 19A.

33 7. Administer the archives of the state as defined
34 in section 303.12.

35 8. Serve as or appoint the state historic
36 preservation officer, certified by the governor
37 pursuant to federal requirements.

38 9. Develop, implement, and publicize a uniform
39 system of marking state historical, archeological,
40 geological, and legendary sites.

41 10. Administer, preserve, and inventory the
42 monuments, memorials, and works of art on the grounds
43 and in the buildings at the seat of government in
44 consultation with the Iowa state arts council and
45 the capitol planning commission, and make
46 recommendations annually to the appropriate officer
47 or board.

48 11. Collect, preserve, organize, classify,
49 interpret, and exhibit materials relevant to the
50 archeology and history of the state and region.

Page 4

1 Duties prescribed under this subsection will not
2 affect the duties of the state archaeologist as defined
3 in chapter 305A.

4 12. Publish matters of historical value to the
5 public, and pursue historical, architectural, and
6 archaeological research and development which may
7 include but shall not be limited to continuing surveys,
8 excavation, scientific recording, interpretation,
9 and publication of the historical, architectural,
10 archaeological, and cultural sites, buildings, and
11 structures in the state.

12 13. Coordinate the activities of, and provide
13 technical and financial assistance if federal funds
14 are available, to local historical preservation
15 commissions and private parties in accordance with
16 the state plan and programs for historic preservation.

17 14. Identify and document historic properties.

18 15. Prepare and maintain a state register of
19 historic places, including those listed on the national
20 register of historic places.

21 16. Develop standards and criteria for the
22 acquisition of historic properties and for the
23 preservation, restoration, maintenance, operation,
24 and interpretation of properties under the jurisdiction
25 of the state historical department.

26 17. Perform other duties imposed by law or
27 prescribed by rules of the board.

28 Sec. 7. Section 303.6, Code 1981, is amended by
29 striking the section and inserting in lieu thereof
30 the following:

31 303.6 BOARD—POWERS AND DUTIES. The state
32 historical board shall:

33 1. Adopt a comprehensive, coordinated, and
34 efficient policy to preserve, research, interpret,
35 and promote to the public an awareness and
36 understanding of local, state, and regional history.

37 2. Have authority to acquire by fee simple title
38 historic properties by gift, purchase, devise, or
39 bequest; preserve, restore, transfer, and administer
40 historic properties; and charge reasonable admission
41 to historic properties.

42 3. Adopt rules under chapter 17A for the effective
43 and efficient operation of the department.

44 4. Maintain research centers in Des Moines and
45 Iowa City.

46 5. Have authority to enter into appropriate
47 agreements with the university of northern Iowa, the
48 state university of Iowa, Iowa state university of
49 science and technology, or an accredited private
50 institution as defined in section 261.9 to establish

Page 5

1 multi-county area research centers, which are in
2 addition to but do not duplicate archives as defined
3 in section 303.12. An area research center shall
4 serve as the depository for the archives of counties
5 and cities and for other unpublished original resource
6 material of a given area to be designated in the
7 agreement.

8 6. Control all property of the department.

9 7. Authorize the loan of historical materials
10 and artifacts for display and research at suitable
11 locations within the state.

12 8. Advise the director with respect to the
13 policies, programs, and procedures of the department.

14 9. Approve the state preservation plan submitted
15 by the state historic preservation officer.

16 10. Establish rules for membership in the state
17 historical society, including rules relating to
18 membership fees.

19 11. Submit biennially to the governor, through
20 the board chairperson, a report of the activities
21 of the department, and an evaluation of the department,
22 its programs, and policies.

23 12. Perform other functions prescribed by law
24 to further historically-related matters in the state.

25 Sec. 8. Section 303.9, Code 1981, as amended by
26 Acts of the Sixty-ninth General Assembly, 1981 Session,
27 chapter 10, section 11, is amended to read as follows:

28 303.9 FUNDS RECEIVED BY STATE HISTORICAL
29 DEPARTMENT.

30 1. All funds received by the state historical
31 department, including but not limited to gifts,
32 endowments, funds from the sale of memberships in
33 the state historical society, funds from the sale
34 of mementos and other items relating to Iowa history
35 as authorized under subsection 2, interest generated
36 by the life membership trust fund, and fees, except
37 entrance fees for the Montauk governor's mansion,
38 shall be credited to the account of the state
39 historical department and are appropriated to the
40 state historical department to be invested or used
41 for programs and purposes under the authority of the
42 state historical board. Interest earned on funds
43 credited to the department, except funds appropriated
44 to the department from the general fund of the state,
45 shall be credited to the department. Section 8.33
46 does not apply to funds credited to the state
47 historical department under this section.

48 2. The department may sell mementos and other
49 items relating to Iowa history and historic sites
50 on the premises of property under control of the

Page 6

1 department and at the state capitol. The department
2 is not a retailer under chapter 422 and the sale of
3 such items is not a retail sale under chapter 422
4 and is exempt from the sales tax.

5 Sec. 9. Section 303.11, unnumbered paragraph 1,
6 Code 1981, is amended to read as follows:

7 The state historical board may accept gifts and
8 bequests which shall be used in accordance with the
9 desires of the donor if expressed. Funds contained
10 in an endowment fund for either the department of
11 history and archives or the state historical society
12 existing on July 1, 1974 shall remain an endowment
13 of either the division of historical museum and
14 archives or the division of the state historical
15 society the department. After July 1, 1974, gifts
16 Gifts shall be accepted only on behalf of the state
17 historical department, and gifts to a division, branch,
18 or section of the department are presumed to be gifts
19 to the department. Funds in an endowment fund may
20 be invested by the state historical board.

21 Sec. 10. Section 303.12, Code 1981, is amended
22 to read as follows:

23 303.12 ARCHIVES. Archives means those documents,
24 books, papers, photographs, sound recordings, or
25 similar material produced or received pursuant to
26 law in connection with official government business,
27 which no longer have administrative, legal, or fiscal
28 value to the office having present custody of them,
29 and which have been appraised by the executive director
30 of the historical museum and archives state historical
31 department as having sufficient historical, research,
32 or informational value to warrant permanent
33 preservation. The executive director of the division
34 of historical museum and archives state historical
35 department is the trustee and custodian of the archives
36 of Iowa, except that archives do not include county
37 or municipal archives unless they are voluntarily
38 deposited with the executive director with the written
39 consent of the executive director. The executive
40 director shall prescribe rules for the systematic
41 arrangement of archives as to the proper labeling
42 to indicate the contents and order of filing and the
43 archives must be so labeled before the archives may
44 be transferred to the executive director's custody.

45 Sec. 11. Section 303.13, Code 1981, is amended
46 to read as follows:

47 303.13 TRANSFER OF ARCHIVES. The several state,
48 executive, and administrative departments, officers
49 or offices, councils, boards, bureaus, and commissions,
50 may transfer and deliver to the state historical

Page 7

1 department archives as defined in section 303.12 and
2 as prescribed in the records management manual.
3 Before transferring archives, the office of present
4 custody shall file with the executive director a
5 classified list of the archives being transferred
6 made in such detail as the executive director shall
7 prescribe prescribes. If the executive director,
8 on receipt of the list, and after consultation with
9 the chief executive of the office filing the classified
10 list or with a representative designated by the
11 executive, shall find finds that, according to the
12 records management manual, certain classifications
13 of the archives listed are not of sufficient
14 historical, legal or administrative value to justify
15 permanent preservation, the executive director shall
16 not accept the material for deposit in the state
17 archives.

18 Sec. 12. Section 303.14, Code 1981, is amended
19 to read as follows:

20 303.14 REMOVAL OF ORIGINAL. After any archives
21 have been received by the executive director, they
22 shall not be removed from the executive director's
23 custody without his the executive director's consent
24 except in obedience to a subpoena of a court of record
25 or a written order of the state executive council.

26 The executive director shall is not be required
27 to preserve permanently vouchers, claims, canceled
28 or redeemed state warrants, or duplicate warrant
29 registers; respectively, of the state comptroller
30 and the treasurer of state but may, after microfilming,
31 destroy by burning or shredding any such warrants,
32 having no historical value, that have been in the
33 executive director's custody for a period of one year
34 and likewise to may destroy by burning or shredding
35 any vouchers, claims and duplicate warrant registers
36 which have been in the director's custody for a period
37 of one year. A properly authenticated reproduction
38 of any such a microfilmed record shall be is admissible
39 in evidence in any a court in this state.

40 Sec. 13. Section 303.15, Code 1981, is amended
41 to read as follows:

42 303.15 CERTIFIED COPIES—FEES. Upon request of
43 any a person, the executive director of the division
44 of historical museum and archives or the director
45 of the division of the state historical society
46 department shall make a certified copy of any document,
47 manuscript, or record contained in the archives or
48 in the custody of the division of the state historical
49 society, and when department except where reproduction
50 is inappropriate because of legal, curatorial, or

Page 8

1 physical considerations. When a copy is properly
2 authenticated it shall have has the same legal effect
3 as though certified by the officer from whose office
4 it was obtained or by the secretary of state. The
5 copy may be made in writing, or by any a suitable
6 photographic process. The executive director shall
7 charge and collect for such copies the fees allowed
8 by law to the official in whose office the document
9 originates for such certified copies. The executive
10 director shall charge a person requesting a search
11 of census records for the purpose of determining
12 genealogy the actual cost of performing the search.

13 Sec. 14. Section 303.20, subsection 4, Code 1981,
14 is amended by striking the subsection and inserting
15 in lieu thereof the following:

16 4. "Department" means the Iowa state historical
17 department.

18 Sec. 15. Section 303.21, unnumbered paragraph
19 1, Code 1981, is amended to read as follows:

20 Not less than ten percent of the eligible voters
21 in an area of asserted historical significance may
22 petition the division department for a referendum
23 for the establishment of a district.

24 Sec. 16. Section 303.22, Code 1981, is amended
25 to read as follows:

26 303.22 ACTION BY DIVISION DEPARTMENT. The division
27 department shall hold a hearing not less than thirty
28 days or more than sixty days after the petition is
29 received. The division department shall publish
30 notice of the hearing, at a reasonable time before
31 the hearing is to take place, and shall post notice
32 of the hearing in a reasonable number of places within
33 the suggested district. The cost of notification
34 shall be paid by the persons who petition for the
35 establishment of a district.

36 At the hearing the division department shall hear
37 interested persons, accept written presentations,
38 and shall determine whether the suggested district
39 is an area of historical significance which may
40 properly be established as a historical preservation
41 district pursuant to the provisions of this division
42 of this chapter. The division department may determine
43 the boundaries which shall be established for the
44 district. The division department shall not include
45 property which is not included in the suggested
46 district unless the owner of such the property is
47 given an opportunity to be heard.

48 The division department, if it determines that
49 the suggested district meets the criteria for
50 establishment as a historical preservation district,

Page 9

1 shall indicate the owners of the property and residents
2 included and shall forward a list of such owners and
3 residents to the county commissioner of elections.

4 If the ~~division~~ department determines that the
5 suggested district does not meet the criteria for
6 establishment as a historical preservation district,
7 it shall so notify the petitioners.

8 Sec. 17. Section 303.23, Code 1981, is amended
9 to read as follows:

10 303.23 REFERENDUM. Within thirty days after the
11 receipt of the list of owners of property and residents
12 within the suggested historical preservation district,
13 the county commissioner of elections ~~department~~ shall
14 fix a date not more than forty-five days from the
15 receipt of the petition seeking a referendum on the
16 question of establishment of a historical preservation
17 district. The ~~department~~, after consultation with
18 the county commissioner of elections, shall specify
19 the polling place within the suggested district that
20 will best serve the convenience of the voters and
21 shall appoint from residents of the proposed district
22 three judges and two clerks of election.

23 Sec. 18. Section 303.24, Code 1981, is amended
24 to read as follows:

25 303.24 NOTICE. The department, after consultation
26 with the county commissioner of elections, shall post
27 notice of the referendum in a reasonable number of
28 places within the suggested district a reasonable
29 time before it is to take place. The notice shall
30 state the purpose of the referendum, a description
31 of the district, the date of the referendum, the
32 location of the polling place, and the hours when
33 the polls will open and close.

34 Sec. 19. Section 303.34, subsections 1 and 4,
35 Code 1981, are amended to read as follows:

36 1. An area of historical significance shall be
37 proposed by the governing body of the city on its
38 own motion or upon the receipt by the governing body
39 of a petition signed by residents of the city. The
40 city shall submit a description of the proposed area
41 of historical significance or the petition describing
42 the proposed area, if the proposed area is a result
43 of the receipt of a petition, to the division of
44 historical preservation of the Iowa state historical
45 department which shall determine if the proposed area
46 meets the criteria provided in subsection 2 and may
47 make recommendations concerning the proposed area.
48 Any recommendations made by the ~~division of historical~~
49 ~~preservation department~~ shall be made available by
50 the city to the public for viewing during normal

Page 10

1 working hours at a city government place of public
2 access.

3 4. An area shall ~~only~~ be designated an area of
4 historical significance upon enactment of an ordinance
5 of the city. Before ~~such an~~ the ordinance is enacted
6 or an amendment thereto ~~to it is enacted~~, the governing
7 body of the city shall submit ~~such the~~ ordinance or
8 amendment to the division of historical preservation
9 of the Iowa state historical department for its review
10 and recommendations.

11 Sec. 20. Section 304.3, subsection 2, Code 1981,
12 is amended by striking the subsection and inserting
13 in lieu thereof the following:

14 2. The executive director of the Iowa state
15 historical department.

16 Sec. 21. Section 304.10, Code 1981, is amended
17 to read as follows:

18 304.10 EXECUTIVE DIRECTOR OF IOWA STATE HISTORICAL
19 MUSEUM AND ARCHIVES DEPARTMENT - DUTIES. All lists
20 and schedules submitted to the commission shall be
21 referred to the executive director of the Iowa state
22 historical museum and archives department, who shall
23 determine whether the records proposed for disposal
24 have value to other agencies of the state or have
25 research or historical value. The executive director
26 of the historical museum and archives shall submit
27 the lists and schedules with his or her recommendations
28 in writing to the commission and the final disposition
29 of the records shall be according to the orders of
30 the commission.

31 Sec. 22. Section 470.5, Code 1981, is amended
32 to read as follows:

33 470.5 EXCEPTIONS. This chapter does not apply
34 to buildings ~~currently~~ used on January 1, 1980 by
35 the division of adult corrections of the department
36 of social services as maximum security detention
37 facilities or to the renovation of property nominated
38 to, or entered in the national register of historic
39 places, designated by statute, or included in an
40 established list of historic places compiled by the
41 executive director of the division of historical
42 preservation of the Iowa state historical department.

43 Sec. 23. Sections 303.7 and 303.8, Code 1981,
44 are repealed.

45 Sec. 24. The terms of members of the state
46 historical board serving on the effective date of
47 this Act shall expire June 30, 1982. The initial
48 terms of members of the state historical board
49 established in section 1 of this Act shall commence
50 July 1, 1982 and be staggered so that two members

Page 11

- 1 shall serve until April 30, 1983, two members shall
- 2 serve until April 30, 1984, and three members shall
- 3 serve until April 30, 1985.
- 4 The governor shall give preference in appointment
- 5 of members of the state historical board to members
- 6 of the state historical board serving on June 30,
- 7 1982.
- 8 The initial term of office of the executive director
- 9 shall end April 30, 1985."
- 10 2. Amend the title, line 2, by striking the word
- 11 " , to" and inserting in lieu thereof the words "and
- 12 to".
- 13 3. Amend the title, lines 3 and 4, by striking
- 14 the words " , and to provide that the Act takes effect
- 15 January 1, 1982".

Doderer of Johnson offered amendment H—5825, to amendment H—5656, filed by Doderer, et al., from the floor and moved its adoption:

H—5825

- 1 Amend amendment H—5656, the Senate amendment to
- 2 House File 828, as follows:
- 3 1. Page 1, line 50, by inserting after the word
- 4 "senate," the words "who may be selected".

Amendment H—5825, to the Senate amendment H—5656, was adopted.

On motion by Lageschulte of Bremer the House concurred in the Senate amendment H—5656, as amended.

Lageschulte of Bremer moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 828)

The ayes were, 95:

Anderson, J.
Baxter
Bruner

Anderson, R.
Bennett
Carl

Arnould
Brandt
Carpenter

Avenson
Branstad
Chiodo

Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Binneboese
Jay

Byerly

Danker

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Johnson of Howard called up for consideration **House File 796**, a bill for an act providing for the issuance of a restricted license for certain persons between the ages of sixteen and eighteen, amended by the following Senate amendment:

H-5709

- 1 Amend House File 796, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section 321.178, subsection 2, Code
- 6 1981, is amended to read as follows:
- 7 2. **YOUTHS NOT ATTENDING SCHOOL—NO DRIVER EDUCATION**
- 8 **REQUIRED RESTRICTED LICENSE.**
- 9 a. Any person between sixteen and eighteen years
- 10 of age who is not in ~~attendance~~ attendance at school

11 or who is in attendance in a public or private school
12 where an approved driver's education course is not
13 offered or available, may be issued a one-year
14 probationary operator's restricted license only for
15 travel to and from work without having completed an
16 approved driver's education course. The restricted
17 license shall be issued by the department only upon
18 confirmation of the person's employment and need for
19 a restricted license to travel to and from work and
20 upon receipt of a written statement from the public
21 or private school that an approved course in driver's
22 education was not offered or available to the person,
23 if applicable. The employer shall notify the
24 department if the employment of the person is
25 terminated before the person attains the age of
26 eighteen. Such The person shall not have a
27 probationary operator's restricted license revoked
28 or suspended upon re-entering school prior to age
29 eighteen provided the student enrolls in and completes
30 the classroom portion of an approved driver's education
31 course as soon as a course is available.

32 b. The department shall ~~cancel~~ may suspend a
33 probationary operator's restricted license upon proof
34 of a conviction for a moving traffic violation issued
35 under this section upon receiving a record of the
36 person's conviction for one violation and shall revoke
37 the license upon receiving a record of conviction
38 for two or more violations of any law of this state
39 or city ordinance, other than parking regulations,
40 regulating the operation of motor vehicles on highways
41 and after revoking a license under this section the
42 department shall not grant application for any new
43 license or permit until the expiration of one year
44 or until the person attains his or her eighteenth
45 birthday whichever is the longer period.

46 Sec. 2. Section 321.184, Code 1981, is amended
47 to read as follows:

48 321.184 APPLICATIONS OF UNMARRIED MINORS. The
49 application of any unmarried person under the age
50 of eighteen years for an instruction permit, operator's

Page 2

1 license, motorized bicycle license, restricted license,
2 or permit issued under section 321.194 shall contain
3 the verified consent and confirmation of applicant's
4 birthday by either parent of the applicant; if neither
5 parent is living, the guardian or other a person
6 having custody or the employer of such of the minor
7 under chapter 600A may consent. Officers and employees
8 of the department are hereby authorized to administer

9 such the oaths without charge.

10 Sec. 3. Section 321.194, Code 1981, is amended
11 to read as follows:

12 321.194 MINORS' SCHOOL LICENSES. Upon
13 certification of a special need by the school board
14 or the superintendent of the applicant's school, the
15 department may issue a restricted license to any
16 person between the ages of fourteen and eighteen years
17 which license shall entitle the holder, while having
18 the license in his or her immediate possession, to
19 operate a motor vehicle during the hours of 6 a.m.
20 to 9 p.m. over the most direct and accessible route
21 between the licensee's residence and school of
22 enrollment for the purpose of attending duly scheduled
23 courses of instruction and extracurricular activities
24 at such school or at any time when accompanied by
25 a parent or guardian, driver education instructor,
26 or prospective driver education instructor who is
27 a holder of a valid operator's or chauffeur's license,
28 and who is actually occupying a seat beside the driver.
29 The license shall expire on the licensee's eighteenth
30 birthday or upon issuance of a probationary operator's
31 or operator's license. Each application shall be
32 accompanied by a statement from the school board or
33 superintendent of the applicant's school. The
34 statement shall be upon a form provided by the
35 department. The school board or superintendent shall
36 certify that a need exists for the license and that
37 they are not responsible for any actions of the
38 applicant as it pertains to the use of the restricted
39 license. The department of public instruction shall
40 adopt rules pursuant to chapter 17A establishing
41 criteria for issuing a statement of necessity. Upon
42 receipt of a statement of necessity, the department
43 shall issue a restricted license. The fact that the
44 applicant resides at a distance less than one mile
45 from his or her school is prima-facie evidence of
46 the nonexistence of necessity for the issuance of
47 such a license. A license issued under this section
48 is subject to suspension or revocation in like manner
49 as any other license or permit issued under any law
50 of this state and the department may also suspend

Page 3

1 such license upon receiving satisfactory evidence
2 that the licensee has violated the restrictions of
3 the license or has been involved in one or more
4 accidents chargeable to the licensee. The department
5 may suspend any license issued under this section
6 upon receiving a record of the licensee's conviction

- 7 for one violation and shall revoke the license upon
8 receiving a record of conviction for two or more
9 violations of any law of this state or city ordinance,
10 other than parking regulations, regulating the
11 operation of motor vehicles on highways and after
12 revoking a license under this section the department
13 shall not grant application for any new license or
14 permit until the expiration of one year or until the
15 licensee attains his or her sixteenth birthday
16 whichever is the longer period."
17 2. Amend the title, lines 1 and 2, by striking
18 the words "a restricted license for certain persons
19 between the ages of sixteen" and inserting in lieu
20 thereof the words "certain restricted licenses to
21 persons between the ages of fourteen".

Johnson of Linn offered the following amendment H—5826, to amendment H—5709, filed by him from the floor and moved its adoption:

H—5826

- 1 Amend amendment H—5709, the Senate amendment, to
2 House File 796, as amended, passed, and reprinted
3 by the House, as follows:
4 1. Page 2, line 44, by striking the word "one"
5 and inserting in lieu thereof the words "~~one~~ two".

Amendment H—5826, to the Senate amendment H—5709, lost.

On motion by Johnson of Howard, the House concurred in the Senate amendment H—5709.

Johnson of Howard 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. 796)

The ayes were, 95:

Anderson, J.
Bennett
Carl
Clark, J. H.
Connolly

Anderson, R.
Binneboese
Carpenter
Clements
Connors

Arnould
Branstad
Chiodo
Cochran
Cook

Baxter
Bruner
Clark, B. J.
Conlon
Copenhaver

Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Avenson	Brandt	Byerly	Danker
Fey			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Hummel of Benton called up for consideration **House File 2355**, a bill for an act to exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars, amended by the following Senate amendment:

H-5739

- 1 Amend House File 2355 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "but" the words "not to exceed four officers per
- 5 corporation and".
- 6 2. Page 1, line 21, by inserting after the word
- 7 and figure "January 1." the words "An acceptance of
- 8 exemption filed under this section is not enforceable
- 9 if it is required as a condition of employment."

Schroeder of Pottawattamie offered amendment H—5821, to amendment H—5739, filed by him from the floor as follows:

H—5821

- 1 Amend amendment H—5739, the Senate amendment to
- 2 House File 2355, as follows:
- 3 1. Page 1, by striking lines 3 through 5.

Schroeder of Pottawattamie asked for unanimous consent to withdraw amendment H—5821.

Objection was raised.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5821, to the Senate amendment H—5739.

Hummel of Benton moved that the House concur in the Senate amendment H—5739.

The motion prevailed and the House concurred in the Senate amendment H—5739.

Hummel of Benton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2355)

The ayes were, 86:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Egenes	Fey	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones

Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pellett	Pelton	Petrick
Poffenberger	Pope	Rapp	Renken
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Tyrrell	Van Maanen	Welden
Welsh	Mr. Speaker		

The nays were, 10:

Gettings	Johnson, R.	Pavich	Poncy
Renaud	Running	Smalley	Trucano
Walter	Woods		

Absent or not voting, 4:

Byerly	Danker	Doderer	Johnson, J.
--------	--------	---------	-------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Tofte of Winneshiek called up for consideration **House File 2398**, a bill for an act relating to a penalty for taking certain game and fish in violation of law, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5754

- 1 Amend House File 2398 as amended and passed by
- 2 the House as follows:
- 3 1. Page 1, line 2, by striking the word
- 4 "subsection" and inserting in lieu thereof the word
- 5 "subsections".
- 6 2. Page 1, line 3, by striking the word "twenty"
- 7 and inserting in lieu thereof the word "five".
- 8 3. Page 1, by inserting after line 3 the following:
- 9 "NEW SUBSECTION. For each beaver, mink, otter,
- 10 red fox, gray fox or raccoon, one hundred dollars."
- 11 4. Page 1, line 11, by striking the word and
- 12 figure "and 2" and inserting in lieu thereof the word
- 13 and figures ", 2 and 3".
- 14 5. Page 1, by inserting after line 15 the
- 15 following:
- 16 "3. For each game bird, fur-bearing animal or
- 17 game animal or the raw pelt or plumage of such game
- 18 for which damages are not otherwise prescribed, twenty-
- 19 five to fifty dollars."

20 6. Page 1, by inserting after line 15 the
21 following:

22 "Sec. 4. Section 109.131, Code 1981, is amended
23 to read as follows:

24 109.131 JUDGMENT—EXECUTION. In each case of
25 conviction of unlawfully taking, catching, killing,
26 injuring, destroying or having in possession any fish,
27 game or fur-bearing animal, the court shall enter
28 a judgment in favor of the state of Iowa for liquidated
29 damages in an amount as provided in section 109.130,
30 and it shall be the duty of the state conservation
31 commission and the prosecuting attorney or attorney
32 general, to collect the liquidated damages by execution
33 or otherwise. If two or more persons who have acted
34 together are convicted of the unlawful taking,
35 catching, killing, injuring, destroying or having
36 possession of any fish, game or fur-bearing animal,
37 the judgment shall be entered against them jointly.
38 Any liquidated damages received under this section
39 and section 109.130 shall be remitted to the treasurer
40 of state who shall credit such damages to the state
41 fish and game protection fund.

42 The return of any uninjured fish, game or fur-
43 bearing animal which has been unlawfully taken, caught,
44 or possessed, to the place where taken or caught or
45 to any other place approved by the state conservation
46 commission, shall constitute the discharge of any
47 liquidated damages provided under section 109.130.

48 Civil suits for the collection of judgments may
49 be prosecuted by the attorney general or by county
50 attorneys."

The motion prevailed and the House concurred in the Senate amendment H—5754.

Tofte of Winneshiek 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. 2398)

The ayes were, 93:

Anderson, J.
Baxter
Branstad
Clark, B. J.
Conlon

Anderson, R.
Bennett
Bruner
Clark, J. H.
Connolly

Arnould
Binneboese
Carl
Clements
Connors

Avenson
Brandt
Chiodo
Cochran
Cook

Copenhaver	Corey	Daggett	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petric
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 3:

Crabb	Doderer	Maulsby
-------	---------	---------

Absent or not voting, 4:

Byerly	Carpenter	Danker	Hoffmann-Bright
--------	-----------	--------	-----------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Krewson of Polk called up for consideration **House File 2411**, a bill for an act eliminating the requirement that every merged area lease agreement be approved by the State board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5740

- 1 Amend House File 2411 as passed by the House, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section 280A.38, Code 1981, is amended
- 6 to read as follows:
- 7 280A.38 LEASE AGREEMENTS FOR SPACE. The board

8 of directors may, with the approval of the state
9 board, enter into lease agreements, with or without
10 purchase options, not to exceed twenty years in
11 duration, for the leasing or rental of buildings for
12 use basically as classrooms, laboratories, shops,
13 libraries and study halls for vocational school or
14 community college purposes, and pay for the same with
15 funds acquired pursuant to section 280A.17, section
16 280A.18, and section 280A.22. However, lease
17 agreements extending for less than ten years and for
18 less than twenty-five thousand dollars per year need
19 not be submitted to the state board for approval.

20 Such The agreements may include the leasing of
21 existing buildings on public or private property,
22 buildings to be constructed upon real estate owned
23 by the area school, or buildings to be placed upon
24 real estate owned by the area school.

25 Before entering into a lease agreement with a
26 purchase option for a building to be constructed,
27 or placed, upon real estate owned by the area school,
28 the board shall first adopt plans and specifications
29 for the proposed building which it considers suitable
30 for the intended use, and the board shall also adopt
31 the proposed terms of the lease agreement and purchase
32 option. Upon obtaining the approval of the state
33 board, if state board approval is required, the board
34 shall invite bids thereon, by advertisement published
35 once each week for two consecutive weeks in the county
36 where the building is to be located. Such The lease
37 agreement shall be awarded to the lowest responsible
38 bidder, or the board may reject all bids and
39 readvertise for new bids."

The motion prevailed and the House concurred in the Senate amendment H—5740.

Krewson of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2411)

The ayes were, 96:

Anderson, J.
Baxter
Branstad
Chiodo

Anderson, R.
Bennett
Bruner
Clark, B. J.

Arnould
Binneboese
Carl
Clark, J. H.

Avenson
Brandt
Carpenter
Clements

Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poney	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Byerly

Connors

Danker

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER

(Senate File 387)

Lind of Black Hawk asked for unanimous consent to withdraw the motion to reconsider Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization, filed on March 30, 1982.

Objection was raised.

SENATE FILE 387 TEMPORARILY DEFERRED

Welsh of Dubuque asked and received unanimous consent that the motion to reconsider Senate File 387 be temporarily deferred.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2204)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis, filed on March 30, 1982.

MOTION TO RECONSIDER WITHDRAWN
(Senate File 2193)

Hanson of Delaware asked and received unanimous consent to withdraw the motion to reconsider Senate File 2193, a bill for an act authorizing the payment of the salaries and expenses of bailiffs from the court expense fund, filed on April 7, 1982.

MOTION TO RECONSIDER PREVAILED
(Senate File 2253)

Schroeder of Pottawattamie called up for consideration the motion to reconsider Senate File 2253, filed on April 8, 1982, and moved to reconsider the vote by which Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication, passed the House on April 8, 1982 and was placed on its last reading.

A non-record roll call was requested.

The ayes were 90, nays none.

The motion prevailed and the House reconsidered Senate File 2253.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—5787, to Senate File 2253, filed on April 8, 1982, and moved to reconsider the vote by which amendment H—5787, found on page 1364 of the House Journal was adopted by the House on April 8, 1982.

The motion prevailed and the House reconsidered amendment H—5787.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5787.

Trucano of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2253)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Weiden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Byerly

Crabb

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2243)

Anderson of Audubon asked and received unanimous consent to

withdraw the motion to reconsider Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons, filed on April 8, 1982.

HOUSE CONCURS

Smith of Scott called up for consideration **House File 2357**, a bill for an act to establish an Iowa advisory commission on intergovernmental relations, amended by the following Senate amendment:

H—5692

- 1 Amend House File 2357 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 22 through 26 and
- 4 inserting in lieu thereof the following:
- 5 "a. Four elected or appointed county officers,
- 6 four elected or appointed city officers, four elected
- 7 or appointed officers of school corporations, and
- 8 one member or staff member of a regional council of
- 9 governments established under chapter 28E, appointed
- 10 by the governor."
- 11 2. Page 3, line 30, by inserting after the word
- 12 "commission." the following: "However, the technical
- 13 and operational assistance shall be provided within
- 14 appropriations made to the office to carry out its
- 15 powers and duties under chapter 7A and additional
- 16 staff shall not be employed to provide the technical
- 17 and operational assistance."
- 18 3. Page 4, by striking lines 4 through 6 and
- 19 inserting in lieu thereof the following:
- 20 "Sec. 6. NEW SECTION. REPORTS. The commission
- 21 shall submit an annual report of its findings and
- 22 recommendations to the governor, president of the
- 23 senate, speaker of the house, and the majority and
- 24 minority leaders of each house, and make the report
- 25 available to legislators upon request. The report
- 26 shall also be made available to the public."

Smith of Scott offered the following amendment H—5828, to amendment H—5692, filed by her from the floor and moved its adoption:

H—5828

- 1 Amend amendment H—5692, the Senate amendment to

- 2 House File 2357, as amended, passed and reprinted by
 3 the House, as follows:
 4 1. Page 1, line 5, by inserting after the word
 5 "appointed" the following: "state officers, four
 6 elected or appointed".

Amendment H—5828, to the Senate amendment H—5692, was adopted.

On motion by Smith of Scott the House concurred in the Senate amendment H—5692, as amended.

Smith of Scott moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2357)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Cochran	Conlon
Connors	Cook	Corey	Crabb
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Menke	Norland
O'Kane	Pelton	Poffenberger	Poncy
Pope	Rapp	Renaud	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Walter	Welden	Woods
Mr. Speaker			

The nays were, 21:

Branstad	Clements	Connolly	Copenhaver
Daggett	Hall	Knapp	Mann
Maulsby	McKean	Mullins	Oxley
Pavich	Pellett	Petrick	Renken

Ritsema
Welsh

Smalley

Tyrrell

Van Maanen

Absent or not voting, 2:

Byerly

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST

The House resumed consideration of the motion to reconsider filed by Lind of Black Hawk on **Senate File 387**, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

Lind of Black Hawk moved to reconsider the vote by which Senate File 387 passed the House on March 30, 1982.

Roll call was requested by Carl of Poweshiek and Welsh of Dubuque.

On the question "Shall Senate File 387 be reconsidered?"

The ayes were, 47:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Doderer	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Hanson, D.	Horn	Howell	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
McKean	Norland	O'Kane	Oxley
Pavich	Poney	Rapp	Renaud
Ritsema	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Trucano
Walter	Welsh	Woods	

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
De Groot	Dieleman	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Harbor

Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Schnekloth
Schroeder	Shull	Smalley	Smith
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 2:

Byerly

Danker

The motion lost, placing out of order amendment H—5829 filed by Carl of Poweshiek from the floor and amendment H—5830, to amendment H—5829, filed by Avenson of Fayette from the floor.

MOTIONS TO RECONSIDER

(House File 2478)

I move to reconsider the vote by which House File 2478 passed the House on April 13, 1982.

CLARK of Lee

(House File 2478)

I move to reconsider the vote by which House File 2478 passed the House on April 13, 1982.

WOODS of Polk

(Senate File 2218)

I move to reconsider the vote by which Senate File 2218 passed the House on April 13, 1982.

BENNETT of Ida

(Amendment H—5667 to Senate File 2218)

I move to reconsider the vote by which amendment H—5667 to Senate File 2218 was adopted by the House on April 13, 1982.

BENNETT of Ida

(Amendment H—5781, to amendment H—5667, to Senate File 2218)

I move to reconsider the vote by which amendment H—5781, to amendment H—5667, to Senate File 2218 was adopted by the House on April 13, 1982.

BENNETT of Ida

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2334, a bill for an act relating to railroad property.

Also: That the Senate has on April 13, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority.

Also: That the Senate has on April 13, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel.

K. MARIE THAYER, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday morning, April 13, 1982. Had I been present, I would have voted "aye" on Senate File 549.

SWEARINGEN of Keokuk

COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

IOWA ENERGY POLICY COUNCIL

Iowa's 1982 State Energy Conservation Plan, pursuant to Chapter 93.7 (4), Code of Iowa.

IOWA MERIT EMPLOYMENT DEPARTMENT

The 1981 Annual Report of the Iowa Merit Employment Department, pursuant to Chapter 19A.7 (5), Code of Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Ninety-five American Government students from Johnston High School, Johnston, accompanied by Dave Pitz. By Krewson of Polk.

Thirty eighth grade students from Alden Community Schools-Popejoy Elementary, Popejoy, accompanied by Janet Ziesman. By Welden of Hardin.

AMENDMENTS FILED

H-5814	H.F. 2346	Senate Amendment
H-5819	S.F. 2234	Hanson of Delaware
H-5820	H.F. 2334	Senate Amendment
H-5822	S.F. 2233	Conlon of Muscatine
H-5823	S.F. 2233	Conlon of Muscatine
		Doderer of Johnson
H-5824	H.F. 2439	Schroeder of Pottawattamie
H-5827	S.F. 2234	Schroeder of Pottawattamie
		Clark of Cerro Gordo
H-5831	S.F. 2233	Welden of Hardin
H-5832	H.F. 2484	Schnekloth of Scott
H-5833	H.F. 2363	Senate Amendment
H-5834	H.F. 2460	Senate Amendment
H-5835	H.F. 2439	Hummel of Benton
		Halvorson of Webster
		Johnson of Linn
		Swartz of Marshall
		Smith of Scott
H-5836	S.F. 2234	Schroeder of Pottawattamie

H-5837

H.F. 2484

Lageschulte of Bremer

Davitt of Warren

H-5838

H.F. 2442

Doderer of Johnson

Smalley of Polk

On motion by Pope of Polk, the House adjourned at 4:10 p.m., until 9:00 a.m., Wednesday, April 14, 1982.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day—Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 14, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father John Zeitler of St. Ambrose Cathedral, Des Moines.

The Journal of Tuesday, April 13, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. W. H. Steinbeck, Keystone.

Speaker pro tempore Menke of O'Brien in the chair at 9:15 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Pellett of Cass.

PETITION FILED

The following petition was received and placed on file:

By O'Kane of Woodbury, from forty-one constituents of the fiftieth district opposing House File 2389.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1982, receded from its amendment to, and passed the following bill:

House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter.

Also: That the Senate has on April 8, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2218, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 26, a bill for an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 260, a bill for an act to provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 312, a bill for an act providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 367, a bill for an act relating to money received by criminals as a result of the commission of crime.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 396, a bill for an act relating to the platting and recording of resurveyed or subdivided land and providing a penalty.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 537, a bill for an act to abolish the requirement for a premarital syphilis examination.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 539, a bill for an act relating to workers' compensation and providing a penalty.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest even whole dollar the property tax bill for each property taxpayer.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2046, a bill for an act requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2088, a bill for an act to authorize a property tax levy by school districts for a cash reserve.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2100, a bill for an act relating to the operation of motor carriers, truck operators, contract carriers and liquid transport carriers by providing minimum liability limits for transporting hazardous materials.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2186, a bill for an act relating to the examination and appointment of deputy assessors.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2192, a bill for an act relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2195, a bill for an act relating to financial transactions involving the payment of interest.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2202, a bill for an act relating to simulated controlled substances and imitation controlled substances.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2231, a bill for an act providing exemptions for road workers and road maintenance equipment while operating the equipment on the highways.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2232, a bill for an act relating to profiting from inmates held in custody and providing a penalty.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2252, a bill for an act relating to audits of licensed substance abuse programs conducted by the auditor of state.

Also: That the Senate has on April 12, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2280, a bill for an act relating to restitution by public offenders.

Also: That the Senate has on April 12, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2300, a bill for an act relating to the regulation of financial institutions.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 143

By Lageschulte

- 1 *Whereas*, Governor Robert D. Ray has proclaimed
- 2 April, 1982, as the fourth annual "Reading Month in
- 3 Iowa"; and
- 4 *Whereas*, Dottie Heering of the Waverly-Shell Rock
- 5 Community Schools, Iowa's Reading Teacher of the Year,
- 6 is encouraging members of the General Assembly to join
- 7 in the recognition of "Reading Month in Iowa" by setting
- 8 aside some time on April 15, 1982, for activities
- 9 involving reading; and
- 10 *Whereas*, the General Assembly recognizes that
- 11 reading is fundamental to the complete intellectual
- 12 development of each citizen; *Now Therefore*,
- 13 *Be It Resolved by the House of Representatives*,
- 14 *the Senate Concurring*, That all Iowans are urged to
- 15 join with the members of the General Assembly in
- 16 observing April, 1982, as "Reading Month in Iowa", with
- 17 particular emphasis on activities on April 15, 1982.

Laid over under Rule 30.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2234**, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, and amendment H-5818, to the committee amendment H-5600, found on pages 1412 through 1413 of the House Journal.

Schroeder of Pottawattamie asked for unanimous consent to defer action on amendment H-5818, to consider amendment H-5839.

Objection was raised.

Smalley of Polk moved the adoption of amendment H-5818.

A non-record roll call was requested.

The ayes were 68, nays 18.

Amendment H-5818, to the committee amendment H-5600, was adopted.

Stueland of Clinton moved the adoption of amendment H-5600, as amended.

The committee amendment H-5600, as amended, was adopted placing out of order the following amendments:

H-5653 filed by Mann of Greene and previously adopted on April 6, 1982.

H-5734 filed by Schroeder of Pottawattamie previously adopted and reconsidered on April 6, 1982 and deferred on April 13, 1982.

H-5744 filed by Schroeder of Pottawattamie on April 7, 1982.

H-5757 filed by Schroeder of Pottawattamie on April 7, 1982.

H-5773 filed by Schroeder of Pottawattamie and Jay on April 7, 1982.

H-5775 filed by O'Kane of Woodbury on April 7, 1982.

H-5819 filed by Hanson of Delaware on April 13, 1982.

H-5827 filed by Schroeder of Pottawattamie and Clark of Cerro Gordo on April 13, 1982.

H—5836 filed by Schroeder of Pottawattamie on April 13, 1982.

H—5839 filed by Schroeder of Pottawattamie, et al., from the floor.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2234)

The ayes were, 77:

Arnould	Avenson	Baxter	Bennett
Binneboese	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Connors	Copenhaver	Crabb
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Holt	Horn
Howell	Jay	Jochum	Johnson, J.
Johnson, R.	Knapp	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Mann	McKean
Mullins	Norland	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schroeder
Shull	Smalley	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Walter	Welden	Welsh
Mr. Speaker (Menke)			

The nays were, 18:

Branstad	Cook	Corey	Daggett
Gross	Harbor	Hoffmann-Bright	Hummel
Johnson, W.	Lind	Maulsby	O'Kane
Schnekloth	Smith	Tofte	Tyrrell
Van Maanen	Woods		

Absent or not voting, 5:

Anderson, J.	Anderson, R.	Danker	Pope
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 2291, a bill for an act to make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive, with report of committee recommending passage was taken up for consideration.

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2291)

The ayes were, 90:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Rapp	Renaud	Renken
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, 5:

Hall	Knapp	Maulsby	McKean
Ritsema			

Absent or not voting, 5:

Anderson, R.	Brandt	Danker	Pope
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

BILLS TEMPORARILY DEFERRED

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on House File 2484 and Senate File 2091 and that the bills retain their place on the calendar.

Ways and Means Calendar

Senate File 362, a bill for an act relating to the state sales, services and use tax by allowing retailers to provide their own tax exemption certificate, by requiring payments of use taxes to be applied first to accrued penalty and interest and by making corrective changes, with report of committee recommending passage was taken up for consideration.

Krewson of Polk offered amendment H—5841 filed by Krewson and Carpenter from the floor as follows:

H—5841

- 1 Amend Senate File 362 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 3 the follow-
- 4 ing:
- 5 "Sec. . Section 422.42, subsection 3, unnumbered
- 6 paragraph 1, Code 1981, is amended to read as follows:
- 7 "Retail sale" or "sale at retail" means the sale
- 8 to a consumer or to any person for any purpose, other
- 9 than for processing or, for resale of tangible personal
- 10 property or taxable services, or for resale of tangible
- 11 personal property in connection with taxable services,
- 12 and includes the sale of gas, electricity, water,
- 13 and communication service to retail consumers or
- 14 users, but does not include agricultural breeding
- 15 livestock and domesticated fowl or commercial
- 16 fertilizer or, agricultural limestone or materials,
- 17 but not tools or equipment, herbicide, pesticide,
- 18 insecticide, food and medication which are to be used
- 19 in disease control, weed control, insect control,
- 20 or health promotion of plants or livestock produced
- 21 as part of agricultural production for market, or
- 22 and does not include electricity or, steam or any
- 23 taxable service when purchased and used in the
- 24 processing of tangible personal property intended

25 to be sold ultimately at retail. Tangible personal
26 property is sold for processing within the meaning
27 of this subsection only when it is intended that such
28 the property shall by means of fabrication,
29 compounding, manufacturing, or germination become
30 an integral part of other tangible personal property
31 intended to be sold ultimately at retail, or shall
32 be consumed as fuel in creating heat, power, or steam
33 for processing including grain drying or for generating
34 electric current, or consumed in self-propelled
35 implements of husbandry engaged in agricultural
36 production, or such the property is a chemical,
37 solvent, sorbent, or reagent, which is directly used
38 and is consumed, dissipated, or depleted, in processing
39 personal property which is intended to be sold
40 ultimately at retail, and which may not become a
41 component or integral part of the finished product.
42 The distribution to the public of free newspapers
43 or shoppers guides shall be deemed is a retail sale
44 for purposes of the processing exemption."
45 2. Title page, line 1, by inserting after the
46 word "tax" the words "by amending the definition of
47 retail sale,".
48 3. By renumbering as necessary.

Hummel of Benton rose on a point of order that amendment H—5841 was not germane.

The Speaker ruled the point well taken and amendment H—5841 not germane.

Krewson of Polk asked for unanimous consent to consider amendment H—5841.

Objection was raised.

Krewson of Polk moved that the rules be suspended to consider amendment H—5841.

Roll call was requested by Pope of Polk and Tyrrell of Iowa.

On the question "Shall the rules be suspended to consider amendment H—5841?"

The ayes were, 43:

Anderson, R.

Arnould

Avenson

Brandt

Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Cochran	Connolly
Connors	Copenhaver	Corey	Davitt
Doderer	Egenes	Fey	Hall
Horn	Howell	Jochum	Knapp
Krewson	Lloyd-Jones	Loneragan	Mullins
Oxley	Pavich	Petrick	Poney
Rapp	Renaud	Rosenberg	Running
Spear	Sturgeon	Tofte	Trucano
Walter	Welsh	Woods	

The nays were, 55:

Anderson, J.	Baxter	Bennett	Binneboese
Branstad	Clark, J. H.	Clements	Conlon
Cook	Crabb	Daggett	De Groot
Dieleman	Diemer	Gettings	Gross
Groth	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	McKean	Norland	Pellett
Pelton	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Stromer	Stueland
Sullivan	Swartz	Swearingen	Tyrrell
Van Maanen	Welden	Mr. Speaker (Menke)	

Absent or not voting, 2:

Danker	O'Kane
--------	--------

The motion lost.

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 362)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey

Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, none.

Absent or not voting, 2:

Danker

O'Kane

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 2482, a bill for an act to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication, with report of committee recommending passage was taken up for consideration.

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 99:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl

Carpenter	Chiodó	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorsón, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, none.

Absent or not voting, 1:

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT TO VOTE

Avenson of Fayette asked for unanimous consent to be recorded as voting "aye" on House File 2482.

Objection was raised.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the objection.

The vote by Avenson of Fayette was so recorded.

The House stood at ease at 10:35 a.m.

The House resumed session at 11:00 a.m., Speaker Stromer in the chair.

SENATE MESSAGE CONSIDERED

Senate File 2300, by Hultman and Junkins, a bill for an act relating to the regulation of financial institutions.

Read first time and referred to committee on **commerce**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating the Iowa water council.

K. MARIE THAYER, Secretary

Ways and Means Calendar

House File 2484, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer, making coordinating amendments and providing a January 1 effective date, with report of committee recommending passage was taken up for consideration.

Norland of Worth offered the following amendment H-5847 filed by him from the floor and moved its adoption:

H-5847

1 Amend House File 2484 as follows:

- 2 1. Page 3, line 5, by inserting after the word
- 3 "homes" the words "for which a tax clearance statement
- 4 was not issued".

-Amendment H—5847 was adopted.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—5837 filed by Lageschulte and Davitt on April 13, 1982.

Schnekloth of Scott offered the following amendment H—5832, filed by him and moved its adoption:

H—5832

- 1 Amend House File 2484 as follows:
- 2 1. Page 6, line 5, by striking the words and
- 3 figures "sections 1 and 2" and inserting in lieu
- 4 thereof the word and figure "section 1".

Amendment H—5832 was adopted.

Lageschulte of Bremer offered the following amendment H—5846 filed by him from the floor and moved its adoption:

H—5846

- 1 Amend House File 2484 as follows:
- 2 1. Page 9, by inserting after line 27 the following
- 3 new sections:
- 4 "Sec. . Section 321.57, Code 1981, is amended
- 5 by adding the following new unnumbered paragraph:
- 6 NEW UNNUMBERED PARAGRAPH. Mobile home dealers
- 7 licensed under chapter 322B may transport and deliver
- 8 mobile homes upon the highways of this state with
- 9 a special plate displayed on the mobile home as
- 10 provided in sections 321.58 to 321.62.
- 11 Sec. . Section 321.58, Code 1981, is amended
- 12 to read as follows:
- 13 321.58 APPLICATION. All dealers, and transporters
- 14 and mobile home dealers licensed under chapter 322B
- 15 may, upon payment of a fee of thirty-five dollars,
- 16 make application to the department upon the appropriate
- 17 form for a certificate containing a general
- 18 distinguishing number and for one or more special
- 19 plates as appropriate to various types of vehicles
- 20 subject to registration. The applicant shall also
- 21 submit proof of the applicant's status as a bona fide

22 transporter, mobile home dealer licensed under chapter
 23 322B, or dealer as reasonably required by the
 24 department. Dealers in new vehicles shall furnish
 25 satisfactory evidence of a valid franchise with the
 26 manufacturer of the vehicles authorizing the
 27 dealership."

28 2. Page 11, by inserting after line 17 the
 29 following new section:

30 "Sec. . Section 423.1, subsection 9, Code 1981,
 31 is amended to read as follows:

32 9. "Trailer" shall mean every trailer, as is now
 33 or may be hereafter so defined by the motor vehicle
 34 law of this state, which is required to be registered
 35 or is subject only to the issuance of a certificate
 36 of title under such motor vehicle law."

37 3. Renumber sections and correct internal
 38 references as are necessary in accordance with this
 39 amendment.

Amendment H—5846 was adopted.

Lageschulte of Bremer moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schroeder	Shull

Smalley
Sturgeon
Tofte
Walter

Smith
Sullivan
Trucano
Welden

Spear
Swartz
Tyrrell
Welsh

Stueland
Swearingen
Van Maanen
Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Danker

Menke

Schnekloth

Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULE 61 SUSPENDED

Clark of Cerro Gordo asked and received unanimous consent to suspend House Rule 61 regarding the committee on human resources meeting.

On motion by Pope of Polk, the House was recessed at 11:20 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

IMMEDIATE MESSAGE

(House File 2484)

Pope of Polk asked and received unanimous consent that House File 2484 be immediately messaged to the Senate.

SENATE AMENDMENTS CONSIDERED

House Concurs

Mullins of Kossuth called up for consideration **House File 303**, a bill for an act relating to the registration of group day care home providers, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5795

- 1 Amend House File 303 as passed by the House as
- 2 follows:
- 3 1. Page 2, by striking lines 8 through 12 and

- 4 inserting in lieu thereof the following: "tion under
 5 this chapter. In order to be registered, the group
 6 day care home shall have at least one responsible
 7 individual, age fourteen or older, on duty to assist
 8 the group day care home provider when there are more
 9 than six children present for more than a two hour
 10 period. All other requirements of this".
- 11 2. Page 2, line 26, by inserting after the word
 12 "violation" the words "after conviction".
- 13 3. Page 2, line 28, by inserting after the word
 14 "offense." the words "A single charge alleging con-
 15 tinuing violation may be made in lieu of filing charges
 16 for each day of violation.".
- 17 4. Page 2, by striking lines 30 through 34.

The motion prevailed and the House concurred in the Senate amendment H—5795.

Mullins of Kossuth moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 303)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connors	Cook	Copenhaver
Corey	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Loneragan	Mann
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Maulsby

Tyrrell

Absent or not voting, 11:

Byerly

Clements

Connolly

Danker

Doderer

Johnson, J.

Lind

Lloyd-Jones

Pavich

Schroeder

Sturgeon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Corey of Louisa called up for consideration **House File 2111**, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5796

- 1 Amend House File 2111 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 9 and
- 4 inserting in lieu thereof the following: "a period
- 5 of confinement of not more than fifty years."

HOUSE FILE 2111 TEMPORARILY DEFERRED

Corey of Louisa asked and received unanimous consent that House File 2111 be temporarily deferred and that the bill retain its place on the calendar.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clements of Scott on request of Hanson of Delaware.

Conlon of Muscatine called up for consideration **House File 2344**, a bill for an act relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5797

1 Amend House File 2344 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 11 through 18 and
 4 inserting in lieu thereof the following: "recklessness.
 5 For purposes of this section, if a volunteer fire
 6 fighter, a volunteer operator or attendant of an
 7 ambulance or rescue squad service, a volunteer
 8 paramedic, or a volunteer emergency medical technician
 9 receives nominal compensation not based upon the value
 10 of the services performed, that person shall be
 11 considered to be receiving no compensation. The
 12 operation of a motor vehicle in compliance with section
 13 321.231 by a volunteer fire fighter, volunteer operator
 14 or attendant of an ambulance or rescue squad service,
 15 a volunteer paramedic, or volunteer emergency medical
 16 technician shall be considered rendering emergency
 17 care or assistance for purposes of this section."

The motion prevailed and the House concurred in the Senate amendment H-5797.

Conlon of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2344)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope

Rapp
Rosenberg
Shull
Sturgeon
Tofte
Walter
Mr. Speaker

Renaud
Running
Smith
Sullivan
Trucano
Welden

Renken
Schnekloth
Spear
Swartz
Tyrrell
Welsh

Ritsema
Schroeder
Stueland
Swearingen
Van Maanen
Woods

The nays were, none.

Absent or not voting, 7:

Byerly
Lind

Clements
Lloyd-Jones

Corey
Smalley

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE REFUSES TO CONCUR

The House resumed consideration of **House File 2111**, a bill for an act relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree, and the Senate amendment H—5796, found on page 1467 of the House Journal.

Corey of Louisa moved that the House concur in the Senate amendment H—5796.

Roll call was requested by Johnson of Linn and Tyrrell of Iowa.

Rule 80 was invoked.

On the question "Shall the House concur in the Senate amendment H—5796.

The ayes were, 43:

Anderson, R.
Brandt
Clark, B. J.
Davitt
Fey
Jochum
Lloyd-Jones
Poffenberger
Running
Sturgeon

Arnould
Branstad
Conlon
Diemer
Hall
Knapp
Lonergan
Rapp
Schroeder
Swartz

Baxter
Bruner
Connolly
Doderer
Hanson, D.
Krewson
Mann
Ritsema
Shull
Swearingen

Binneboese
Carpenter
Corey
Egenes
Hoffmann-Bright
Lind
Mullins
Rosenberg
Spear
Trucano

Welden

Welsh

Mr. Speaker

The nays were, 53:

Anderson, J.	Avenson	Bennett	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Cook	Copenhaver	Crabb	Daggett
De Groot	Dieleman	Gettings	Gross
Groth	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Harbor	Holt	Horn	Howell
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Maulsby	McKean
Menke	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poncy	Pope	Renken	Schnekloth
Smalley	Smith	Stueland	Sullivan
Tofte	Tyrrell	Van Maanen	Walter
Woods			

Absent or not voting, 4:

Clements

Connors

Danker

Renaud

The motion lost and the House refused to concur in the Senate amendment H—5796.

HOUSE CONCURS

Smalley of Polk called up for consideration **House File 2442**, a bill for an act relating to custody of children upon dissolution of marriage, amended by the following Senate amendment:

H—5801

- 1 Amend House File 2442 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 26, by striking the word "petition"
- 4 and inserting in lieu thereof the word "application".
- 5 2. Page 2, by striking lines 3 through 8 and
- 6 inserting in lieu thereof the following: "in full
- 7 or in part by the parties and taxed as court costs."
- 8 3. Page 2, by inserting after line 25 the
- 9 following:
- 10 "g. Whether one or both the parents agree or are
- 11 opposed to joint custody.
- 12 h. Whether the geographic proximity of the parents
- 13 are such that there will be no substantial disruption
- 14 of the child's schooling, association with friends,
- 15 religious training, and other routines."

Doderer of Johnson offered amendment H—5838, to amendment H—5801, filed by Doderer and Smalley and moved its adoption:

H—5838

- 1 Amend amendment H—5801, the Senate amendment to
- 2 House File 2442, as follows:
- 3 1. Page 1, by striking lines 12 through 15 and
- 4 inserting in lieu thereof the following:
- 5 "h. The geographic proximity of the parents."

Amendment H—5838, to the Senate amendment H—5801, was adopted.

Smalley of Polk moved that the House concur in the Senate amendment H—5801, as amended.

The motion prevailed and the House concurred in the Senate amendment H—5801, as amended.

Smalley of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2442)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp

Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Clements	Danker	Harbor
----------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Poffenberger of Dallas called up for consideration **House File 2453**, a bill for an act relating to the dollar limitation on the administration of certain small estates, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5802

- 1 Amend House File 2453 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. . Section 635.1, subsection 1, unnumbered
- 5 paragraph 1, Code 1981, as amended by Acts of the
- 6 Sixty-ninth General Assembly, 1981 Session, chapter
- 7 199, section 1, is amended to read as follows:
- 8 When the gross value of the probate and nonprobate
- 9 property of a decedent subject to the jurisdiction
- 10 of this state does not exceed thirty fifty thousand
- 11 dollars in property subject to taxation under section
- 12 450.3, upon the petition of the spouse or a child
- 13 of the decedent, the clerk shall issue to a resident
- 14 of the state of Iowa designated by the petitioner
- 15 letters of appointment of executor or administrator
- 16 for administration of a small estate if either of
- 17 the following occur:
- 18 Sec. . Section 635.1, subsection 2, unnumbered
- 19 paragraph 1, Code 1981, as amended by Acts of the
- 20 Sixty-ninth General Assembly, 1981 Session, chapter
- 21 199, section 1, is amended to read as follows:
- 22 When the gross value of the probate and nonprobate
- 23 property of a decedent subject to the jurisdiction
- 24 of this state does not exceed ten fifteen thousand
- 25 dollars in property subject to taxation under section

- 26 450.3, upon the petition of a parent of the decedent
 27 the clerk shall issue to a resident of the state of
 28 Iowa designated by the petitioner, letters of
 29 appointment as executor or administrator for
 30 administration of a small estate if either of the
 31 following occur:"
 32 2. Renumber sections as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5802.

Poffenberger of Dallas 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. 2453)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Clements

Danker

Harbor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Gross of Ringgold called up for consideration **House File 2346**, a bill for an act requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5814

- 1 Amend House File 2346 as passed, amended and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 8 through 10 and
- 4 inserting in lieu thereof the following: "session.
- 5 However, if the editorial work can not be completed
- 6 for publication in the Code by that date, the Code
- 7 editor shall report that fact to the senate committee
- 8 on judiciary and the house committee on judiciary
- 9 and law enforcement, with the reasons why the work
- 10 can not be completed. The Code editor shall complete
- 11 the remainder of the editorial work in time for
- 12 publication in the Code to be issued following the
- 13 1986 legislative session.
- 14 The Code editor shall not make any substantive
- 15 changes to the Code while performing the editorial
- 16 work. The Code editor shall seek direction from the
- 17 senate committee on judiciary and the house committee
- 18 on judiciary and law enforcement before making any
- 19 changes which appear to require substantial editing
- 20 and which might otherwise be interpreted to exceed
- 21 the scope of the Code editor's authority. The Code
- 22 editor shall submit questions, report periodically
- 23 on the progress of the editorial work, and prepare
- 24 a report outlining the changes for the committees.
- 25 The Code editor shall maintain a record of the changes
- 26 and the reasons for the changes. The record shall
- 27 be available to the public."

The motion prevailed and the House concurred in the Senate amendment H—5814.

Gross of Ringgold 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. 2346)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 6:

Johnson, J.	Knapp	McKean	Pelton
Renken	Ritsema		

Absent or not voting, 3:

Clements	Danker	Howell
----------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Anderson of Audubon called up for consideration **House File 2363**, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments, amended by the following Senate amendment:

H—5833

- 1 Amend House File 2363 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 9 through 12 and
- 4 inserting in lieu thereof the words "agricultural
- 5 land within the state, however in providing financing
- 6 for the acquisition of conservation farm equipment
- 7 preference shall be given those owners or operators
- 8 of agricultural land who have the lower net worths."
- 9 2. Page 4, by striking lines 26 through 28, and
- 10 inserting in lieu thereof the following: "specialized
- 11 reduced tillage or no-till planters used for row
- 12 crops."

Anderson of Audubon offered the following amendment H—5844, to amendment H—5833, filed by him from the floor and moved its adoption:

H—5844

- 1 Amend the Senate amendment, H—5833, to House File
- 2 2363 as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking line 11 and inserting in
- 5 lieu thereof the words "planters used for reduced
- 6 tillage or no-till planting of row".

Amendment H—5844, to the Senate amendment H—5833, was adopted.

On motion by Anderson of Audubon, the House concurred in the Senate amendment H—5833, as amended.

Anderson of Audubon moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2363)

The ayes were, 97:

Anderson, J.
Baxter
Branstad
Carpenter

Anderson, R.
Bennett
Bruner
Chiodo

Arnould
Binneboese
Byerly
Clark, B. J.

Avenson
Brandt
Carl
Clark, J. H.

Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 1:

Smalley

Absent or not voting, 2:

Clements

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 2:35 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Speaker Stromer in the chair.

Unfinished Business Calendar

The House resumed consideration of **Senate File 2091**, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty, and amendment H—5711, to the committee amendment H—5537, found on page 1260 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to defer action on amendment H—5711.

MOTION TO RECONSIDER PREVAILED

(Amendment H—5689, to amendment H—5537, to Senate File 2091)

Trucano of Polk called up for consideration the motion to reconsider amendment H—5689, filed on April 6, 1982 and moved to reconsider the vote by which amendment H—5689, to the committee amendment H—5537 (to Senate File 2091), found on pages 1253 through 1258 of the House Journal was adopted by the House on April 6, 1982.

A non-record roll call was requested.

Rule 80 was invoked.

Under the provisions of Rule 81, Daggett of Taylor refrained from voting.

The ayes were 49, nays 48.

The motion prevailed and the House reconsidered amendment H—5689, to amendment H—5537.

Norland of Worth moved the adoption of amendment H—5689.

Roll call was requested by Norland of Worth and Avenson of Fayette.

Rule 80 was invoked.

Under the provisions of Rule 81, Daggett of Taylor refrained from voting.

On the question "Shall amendment H—5689 be adopted?"

The ayes were, 48:

Anderson, R.
Binneboese
Carl
Conlon

Arnould
Brandt
Chiodo
Connolly

Avenson
Bruner
Clark, B. J.
Connors

Baxter
Byerly
Cochran
Copenhaver

Davitt	Dieleman	Doderer	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Harbor	Horn	Howell	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, J. H.	Cook	Corey	Crabb
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petric
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 3:

Clements	Daggett	Danker
----------	---------	--------

Amendment H—5689, to the committee amendment H—5537, lost.

SENATE FILE 2091 DEFERRED

Pope of Polk asked and received unanimous consent that Senate File 2091 be deferred and that the bill retain its place on the calendar.

MOTION TO RECONSIDER WITHDRAWN (Senate File 2178)

Swearingen of Keokuk asked and received unanimous consent to withdraw the motion to reconsider Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, filed on April 1, 1982.

MOTIONS TO RECONSIDER
(Senate File 2234)

I move to reconsider the vote by which Senate File 2234 passed the House on April 14, 1982.

STUELAND of Clinton

(Amendment H—5781, to amendment H—5667, to Senate File 2218)

I move to reconsider the vote by which amendment H—5781 to amendment H—5667 to Senate File 2218 was adopted by the House on April 13, 1982.

BAXTER of Des Moines

(Senate File 2234)

I move to reconsider the vote by which Senate File 2234 passed the House on April 14, 1982.

SCHROEDER of Pottawattamie

(Amendment H—5600 to Senate File 2234)

I move to reconsider the vote by which amendment H—5600 to Senate File 2234 was adopted by the House on April 14, 1982.

SCHROEDER of Pottawattamie

(Amendment H—5818, to amendment H—5600, to Senate File 2234)

I move to reconsider the vote by which amendment H—5818 to amendment H—5600 to Senate File 2234 was adopted by the House on April 14, 1982.

SCHROEDER of Pottawattamie

INTRODUCTION OF BILLS

House File 2485, by Pope and Avenson, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the

driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Read first time and referred to committee on **transportation**.

House File 2486, by Pope and Avenson, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date.

Read first time and referred to committee on **natural resources**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2243, a bill for an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

K. MARIE THAYER, Secretary

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 13, 1982. Had I been present, I would have voted "aye" on House File 2398.

HOFFMANN-BRIGHT of Muscatine

I was necessarily absent from the House chamber on April 13, 1982. Had I been present, I would have voted "aye" on House Files 2474, 2475 and 2476.

DIELEMAN of Marion

I was necessarily absent from the House chamber when the vote was taken on House File 2484. Had I been present I would have voted "aye."

SCHNEKLOTH of Scott

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifty ninth grade students from Fairfield Junior High School, Fairfield, accompanied by Mrs. Franklin. By Sullivan of Van Buren.

Ten Camp Fire Girls from Truman School, Cedar Rapids, accompanied by their leaders. By Running of Linn.

Fifty-four Camp Fire Girls from Cedar Rapids and Mt. Vernon, accompanied by their leaders. By Petrick and Oxley of Linn.

Sixty fourth grade students from Brooklyn-Guernsey-Malcom School, Malcom, accompanied by Diane Norden, Deb Allman and Kay Potsander. By Tyrrell of Iowa and Carl of Poweshiek.

Forty-two students from Beamer-Conrad-Liscomb, Conrad, accompanied by John Ehn and Mary Pieper. By Renken of Grundy.

Thirty-one eighth grade students from Halbur-Templeton-Roselle Parochial School, Templeton, accompanied by Tony Weiler and Lillian Schouten. By Anderson of Audubon and Mann of Greene.

Twenty-five eleventh and twelfth grade students from East High School, Des Moines, accompanied by Jan Hughes. By Connors and Renaud of Polk.

Forty fifth and sixth grade students from St. Pauls Lutheran School, Waverly, accompanied by Glen Bracht. By Lageschulte of Bremer.

Seventy-five third grade students from Whittier Elementary School, Indianola, accompanied by Mrs. Taylor, Mrs. Eddy and Mr. Coulter. By Shull of Warren.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2477, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5842.

COMMITTEE ON HUMAN RESOURCES

House File 2483, a bill for an act to raise the thresholds for review of expenditures under the certificate of need program.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5860.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2354, as amended), relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill (Formerly House File 2370), relating to a user fee for certain state lands under the jurisdiction of the state conservation commission, making an appropriation, providing a penalty and providing a January 1 effective date.

Fiscal Note is not required.

Committee Action: Failed to Pass.

AMENDMENTS FILED

H—5842

H.F. 2477

Committee on

Appropriations

H—5843

H.F. 2439

Schroeder of Pottawattamie

H—5845	H.F. 2463	Senate Amendment
H—5848	H.F. 2477	Tofte of Winneshiek
H—5849	S.F. 2233	Welden of Hardin
		Branstad of Winnebago
		Schroeder of Pottawattamie
H—5850	S.F. 2233	Spear of Lee
H—5851	H.F. 2437	Rapp of Black Hawk
		Clark of Cerro Gordo
H—5852	H.F. 2479	Schnekloth of Scott
H—5853	H.F. 2463	Schroeder of Pottawattamie
H—5854	H.F. 2483	Spear of Lee
H—5855	H.F. 2334	Harbor of Mills
		Schroeder of Pottawattamie
H—5856	S.F. 2233	De Groot of Lyon
H—5857	S.F. 2091	Schroeder of Pottawattamie
H—5859	S.F. 2233	De Groot of Lyon
H—5860	H.F. 2483	Committee on
		Human Resources
H—5861	H.F. 2460	Smalley of Polk
Conlon of Muscatine		Doderer of Johnson
Mullins of Kossuth		Trucano of Polk
Welsh of Dubuque		Poffenberger of Dallas
H—5862	S.F. 2091	Norland of Worth
		Welsh of Dubuque

On motion by Pope of Polk, the House adjourned at 5:39 p.m., until 9:00 a.m., Thursday, April 15, 1982.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day—Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 15, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Steve Sorenson pastor of the Riverside Church, Mason City.

The Journal of Wednesday, April 14, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, Schleswig.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2409, a bill for an act relating to fire safety, and providing penalties.

Also: That the Senate has on April 13, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2203, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction.

K. MARIE THAYER, Secretary

SPECIAL PRESENTATION

Lageschulte of Bremer presented to the House, Dottie Heering of the Waverly-Shell Rock Community School District, Iowa's Reading Teacher of the Year.

The House rose and expressed a warm welcome.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 143

Lageschulte of Bremer asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 143 relating to observing April as "Reading Month in Iowa", filed on April 14, 1982 and found on page 1453 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of **Senate File 2091**, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty, and the committee amendment H—5537, found on pages 1242 and 1243 of the House Journal.

Spear of Lee offered the following amendment H—5712, to amendment H—5537, filed by him and requested division as follows:

H—5712

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5537 to Senate File 2091 as amended, passed, and
- 3 reprinted by the Senate, as follows:

H—5712A

- 4 1. Page 1, by inserting after line 4 the following:
- 5 "Sec. . Chapter 214A, Code 1981, is amended
- 6 by adding the following new section:
- 7 **NEW SECTION.** A retail dealer operating a filling
- 8 station in this state shall provide for sale at the
- 9 filling station leaded gasoline which has not been
- 10 blended with ethyl alcohol."

H—5712B

- 11 2. Page 1, by inserting after line 4 the following:
- 12 "Sec. . Chapter 214A, Code 1981, is amended
- 13 by adding the following new section:
- 14 **NEW SECTION.** A retail dealer operating a filling
- 15 station in this state shall provide for sale at the

- 16 filling station unleaded gasoline which has not been
17 blended with ethyl alcohol."
18 3. By renumbering sections as necessary.

Spear of Lee offered amendment H-5712A, to amendment H-5537.

Schnekloth of Scott rose on a point of order that amendment H-5712A was not germane.

The Speaker ruled the point well taken and amendment H-5712A, to the committee amendment H-5537, not germane.

Spear of Lee called up for consideration amendment H-5712B, to amendment H-5537.

Spear of Lee rose on a point of order that amendment H-5712B was not germane.

The Speaker ruled the point well taken and amendment H-5712B, to the committee amendment H-5537, not germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5720, to the committee amendment H-5537, filed by him on April 6, 1982.

Schroeder of Pottawattamie offered amendment H-5857, to amendment H-5537, filed by him as follows:

H-5857

- 1 Amend the Committee on Ways and Means amendment,
2 H-5537 to Senate File 2091 as amended, passed, and
3 reprinted by the Senate, as follows:
4 1. Page 1, by inserting after line 4 the following:
5 "Sec. . Section 214A.1, Code 1981, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. "Ethanol" means ethyl alcohol
8 distilled from agricultural products grown in the
9 United States.
10 Sec. . Section 214A.2, Code 1981, is amended
11 by adding the following new unnumbered paragraph:
12 NEW UNNUMBERED PARAGRAPH. Gasoline shall not
13 contain a mixture of more than thirteen percent
14 ethanol.
15 Sec. . Chapter 214A, Code 1981, is amended
16 by adding the following new section:
17 NEW SECTION. Any retail dealer who sells or holds
18 for sale motor vehicle fuel containing ethanol shall

- 19 conspicuously post upon any container or pump from
20 which the motor fuel is being sold, a two inch by
21 six inch notice with letters at least one-half inch
22 high stating "ethanol blend".
23 2. By renumbering sections as necessary.

Schneklath of Scott rose on a point of order that amendment H—5857 was not germane.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5857, to the committee amendment H—5537.

SPECIAL PRESENTATION

Chiodo of Polk presented to the House Ni, Kung-Chao, Director of the Chinese Information Service; General Stephen S. F. Chen, Director of the Coordination Council for North American Affairs, Republic of China and William Sun, Director of the Commercial Division of the Coordination Council.

Representative Chiodo escorted them to the Speaker's station.

Mr. Chen addressed the House briefly expressing their interest in further trade of the Republic of China with Iowa.

The House rose and expressed a warm welcome.

MOTION TO RECONSIDER LOST

(Amendment H—5610, to amendment H—5537, to Senate File 2091)

Hanson of Delaware called up for consideration the motion to reconsider amendment H—5610, filed on April 6, 1982, and moved to reconsider the vote by which amendment H—5610, to the committee amendment H—5537 (to Senate File 2091), found on pages 1243 and 1244 of the House Journal, failed to be adopted by the House on April 6, 1982.

Roll call was requested by Avenson of Fayette and Sullivan of Van Buren.

On the question "Shall amendment H—5610 be reconsidered?"

The ayes were, 42:

Avenson	Binneboese	Byerly	Carl
Chiodo	Clark, J. H.	Clements	Cochran
Connors	Daggett	Davitt	Dieleman
Fey	Gettings	Gross	Hall
Halvorson, R. N.	Hanson, D.	Harbor	Horn
Howell	Jay	Knapp	Loneragan
Mann	Norland	O'Kane	Oxley
Pavich	Pelton	Poncy	Rapp
Renaud	Running	Smalley	Sturgeon
Sullivan	Swartz	Van Maanen	Walter
Welsh	Woods		

The nays were, 55:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Brandt	Branstad	Bruner
Carpenter	Clark, B. J.	Conlon	Connolly
Cook	Copenhaver	Corey	Crabb
Danker	De Groot	Diemer	Doderer
Egenes	Halvorson, R. A.	Hansen, I.	Hoffmann-Bright
Holt	Hummel	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Lloyd-Jones	Maulsby	McKean
Menke	Mullins	Pellett	Petrick
Pope	Renken	Ritsema	Rosenberg
Schnekloth	Schroeder	Shull	Smith
Spear	Stueland	Swearingen	Trucano
Tyrrell	Welden	Mr. Speaker	

Absent or not voting, 3:

Groth	Poffenberger	Tofte
-------	--------------	-------

The motion to reconsider lost.

UNANIMOUS CONSENT TO VOTE

McKean of Jones asked and received unanimous consent to be recorded as voting "nay" on the motion to reconsider amendment H—5610.

The vote was so recorded.

Avenson of Fayette offered the following amendment H—5864, to amendment H—5537, filed by him from the floor and moved its adoption:

H—5864

- 1 Amend the Committee on Ways and Means amendment
- 2 H—5537 to Senate File 2091, as amended, passed, and
- 3 reprinted by the Senate as follows:
- 4 1. Page 1, by striking lines 39 through 43 and
- 5 inserting in lieu thereof the following:
- 6 "June 30, 1983 June 30, 1982, an excise tax of eight
- 7 cents per gallon for the period beginning July 1, 1982
- 8 and ending June 30, 1983, an".

Amendment H—5864, to the committee amendment H—5537, lost.

Norland of Worth offered amendment H—5862, to amendment H—5537, filed by Norland and Welsh as follows:

H—5862

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5537 to Senate File 2091, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by striking line 5 through page 2,
- 5 line 6, and inserting in lieu thereof the following:
- 6 "Section 1. It is the finding of the general
- 7 assembly that the development of a stable, efficient,
- 8 and economically viable fuel alcohol industry in Iowa
- 9 is in the best interests of both Iowa and the nation
- 10 inasmuch as:
- 11 1. The demand for petroleum energy resources
- 12 remains high in both Iowa and the nation despite
- 13 significant conservation efforts.
- 14 2. The continued dependency on foreign sources
- 15 for these energy resources compromises our national
- 16 defense capabilities.
- 17 3. Continued purchases of foreign energy resources
- 18 causes a substantial flow of revenue from both Iowa
- 19 and the nation.
- 20 4. Supplies of traditional nonrenewable energy
- 21 resources and especially petroleum energy resources
- 22 are being depleted.
- 23 5. Fuel alcohol represents a renewable energy
- 24 resource which can be produced and consumed in Iowa
- 25 and our nation using present technologies.
- 26 6. The development of an ethanol industry would
- 27 benefit the economies of Iowa and the nation.
- 28 In view of these considerations, the general
- 29 assembly endorses the development of a fuel alcohol
- 30 industry in Iowa and enacts this law to assist this

31 industry through the stimulation of the fuel alcohol
32 market.

33 Sec. 2. Section 214A.1, Code 1981, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. "Ethanol" means ethyl alcohol
36 distilled from agricultural products grown in the
37 United States.

38 Sec. 3. Section 214A.2, Code 1981, is amended
39 by adding the following new unnumbered paragraph:
40 NEW UNNUMBERED PARAGRAPH. Gasoline shall not
41 contain a mixture of more than thirteen percent
42 ethanol.

43 Sec. 4. Chapter 214A, Code 1981, is amended by
44 adding the following new section:

45 NEW SECTION. Any retail dealer who sells or holds
46 for sale motor vehicle fuel containing ethanol shall
47 conspicuously post upon any container or pump from
48 which the motor fuel is being sold, a notice, in
49 letters at least one-half inch high, showing the
50 percentage of ethanol contained in the motor fuel.

Page 2

1 Sec. 5. Section 323.1, unnumbered paragraph 1,
2 Code 1981, is amended to read as follows:

3 When used in this chapter division, unless the
4 context otherwise requires:

5 Sec. 6. Section 323.9, Code 1981, is amended to
6 read as follows:

7 323.9 VIOLATIONS. Any person violating the
8 provisions of this chapter division is guilty of a
9 simple misdemeanor.

10 Sec. 7. Section 323.10, Code 1981, is amended
11 to read as follows:

12 323.10 INTENT. The provisions of this chapter
13 division are enacted in the exercise of the police
14 powers of this state for the purpose of protecting
15 the health, safety and general welfare of the people
16 of this state and because methods and practices in
17 the marketing and distribution of motor fuel and
18 special fuel have impaired the availability to the
19 public of the fuel and the services supplied by
20 distributors and dealers who have entered into a
21 franchise agreement with their respective suppliers.

22 Sec. 8. Section 323.13, Code 1981, is amended
23 to read as follows:

24 323.13 WAIVER. Any provision of a dealer franchise
25 or distributor franchise which is an attempted waiver
26 of the benefits of this chapter division shall be
27 void and unenforceable.

28 Sec. 9. Chapter 323, Code 1981, is amended by

29 adding sections 10 through 15 of this Act as a new
30 division.

31 Sec. 10. NEW SECTION. DEFINITIONS. As used in
32 this division, unless the context otherwise requires:

33 1. "Ethanol" means ethyl alcohol distilled from
34 agricultural products grown in the United States which
35 is intended to be and is capable of being used for
36 the purpose of propelling or running by combustion
37 internal combustion engines.

38 2. "Ethanol producer" means a producer of ethanol
39 in this state.

40 3. "Permit holder" means an ethanol producer which
41 holds a valid ethanol production incentive permit
42 issued by the department of revenue.

43 4. "Fiscal year" means the twelve-month period
44 beginning July 1 of each year.

45 5. "Highway" means as defined in section 321.1,
46 subsection 48.

47 Sec. 11. NEW SECTION. APPROPRIATION—ETHANOL
48 PRODUCTION INCENTIVE FUND. For the five-year period
49 beginning July 1, 1982, and ending June 30, 1987,
50 there is appropriated annually from the general fund

Page 3

1 of the state an amount necessary to pay the production
2 incentive provided in section 13 of this Act with
3 a maximum annual appropriation of three million
4 (3,000,000) dollars. These moneys shall be credited
5 to the "ethanol production incentive fund" which is
6 hereby created and the fund shall be distributed as
7 provided in this division.

8 Sec. 12. NEW SECTION. ETHANOL PRODUCTION INCENTIVE
9 PERMIT. An ethanol producer, before receiving
10 incentive funds under this division, shall obtain
11 an ethanol production incentive permit from the
12 department of revenue. Application for the permit
13 shall be made to the department of revenue on a form
14 provided by the department of revenue. The application
15 shall include the name and address of the applicant,
16 shall contain an estimate of the annual ethanol
17 production of the applicant, and shall contain other
18 information as required under rules of the department
19 of revenue. The department of revenue, when satisfied
20 that the applicant has met all requirements, shall
21 issue an ethanol production incentive permit to the
22 applicant. An ethanol production incentive permit
23 expires on June 30 of each year, unless sooner revoked
24 by the department of revenue. An ethanol production
25 incentive permit shall not be assigned by a permit
26 holder. Only one ethanol production incentive permit

27 may be issued for any ethanol plant during a fiscal
28 year.

29 Sec. 13. NEW SECTION. PRORATION OF ETHANOL
30 PRODUCTION INCENTIVE FUND. An ethanol producer is
31 entitled to receive monthly from the director of
32 revenue a production incentive from the ethanol
33 production incentive fund for the first three million
34 gallons of ethanol produced by the ethanol producer
35 during each fiscal year. The production incentive
36 for eligible gallons of ethanol produced is ten cents
37 per gallon for ethanol less than one hundred twenty-
38 five proof, twelve cents per gallon for ethanol which
39 is at least one hundred twenty-five proof but less
40 than one hundred fifty proof, thirteen cents per
41 gallon for ethanol which is at least one hundred fifty
42 proof but less than one hundred seventy-five proof,
43 fourteen cents per gallon for ethanol which is at
44 least one hundred seventy-five proof but less than
45 two hundred proof, and fifteen cents per gallon for
46 two hundred proof ethanol. However, an ethanol
47 producer is entitled to the production incentive only
48 for ethanol which is produced for the first time by
49 the ethanol producer and only for ethanol produced
50 during months that the producer holds a valid ethanol

Page 4

1 production incentive permit. The incentive payment
2 is subject to proration as provided in this section.
3 In order to qualify for an incentive payment for
4 ethanol produced during a month, a permit holder
5 shall, within thirty days of the conclusion of the
6 month, certify to the director of revenue the number
7 of gallons and proof of ethanol produced by the permit
8 holder in the state, and shall submit or revise an
9 estimate of the holder's fiscal year ethanol
10 production. Incentive payments shall be paid by the
11 director of revenue to qualified permit holders within
12 sixty days of receipt of the holder's certification.
13 The director of revenue shall estimate the anticipated
14 ethanol production by permit holders in the state,
15 and if the director finds that the production of
16 ethanol is such that moneys appropriated for the
17 ethanol production incentive fund are not sufficient
18 to permit payment of the full production incentive,
19 the director of revenue shall distribute the ethanol
20 production incentive fund payment for each permit
21 holder in a manner that the annual appropriation is
22 prorated to each permit holder based on the ratio
23 that the permit holder's ethanol production bears
24 to the total ethanol production by permit holders

25 in the state. However, the director of revenue shall
26 not include in this calculation production of ethanol
27 by a permit holder in excess of three million gallons
28 per fiscal year.

29 Sec. 14. NEW SECTION. RULES. The department
30 of revenue shall adopt rules pursuant to chapter 17A
31 as necessary to carry out the provisions of this
32 division.

33 Sec. 15. NEW SECTION. FRAUD—PERMIT REVOCATION—
34 CIVIL PENALTY. An ethanol producer who knowingly
35 makes false certification of ethanol production, false
36 claim, or false application under section 12 or 13
37 of this Act is not eligible to receive a production
38 incentive under this division. Such producer shall
39 pay to the department of revenue an amount equal to
40 the production incentive received by the producer
41 for production during the fiscal years in which the
42 producer made false certification, false claim, or
43 false application, and shall in addition pay to the
44 department of revenue a civil penalty of five hundred
45 dollars. The ethanol production incentive permit
46 shall be revoked by the department of revenue for
47 any ethanol producer who is ineligible under this
48 section to receive a production incentive and the
49 ethanol producer shall remain ineligible to receive
50 an ethanol production incentive permit in subsequent

Page 5

1 years.

2 Sec. 16. Section 324.2, subsection 7, Code 1981,
3 is amended to read as follows:

4 7. "Gasohol" means motor fuel containing at least
5 ten percent alcohol distilled from agricultural
6 products grown in the United States.

7 Sec. 17. Section 324.3, unnumbered paragraph 1,
8 Code 1981, as amended by Acts of the Sixty-ninth
9 General Assembly, Second Extraordinary 1981 Session,
10 chapter 2, section 7, is amended to read as follows:

11 For the privilege of operating motor vehicles in
12 this state an excise tax of thirteen cents per gallon
13 beginning September 1, 1981 is imposed upon the use
14 of all motor fuel used for any purpose except motor
15 fuel containing at least ten percent alcohol distilled
16 from agricultural products gasohol for the period
17 beginning July 1, 1978 and ending June 30, 1983 1985
18 and except as otherwise provided in this division.
19 The tax shall be paid in the first instance by the
20 distributor upon the invoiced gallonage of all motor
21 fuel received by the distributor in this state, within
22 the meaning of the word "received" as defined in this

23 division, less the deductions authorized. Thereafter,
24 except as otherwise provided, the per gallon amount
25 of the tax shall be added to the selling price of
26 every gallon of such motor fuel sold in this state
27 and collected from the purchaser so that the ultimate
28 consumer bears the burden of the tax; provided that
29 tax shall not be imposed or collected under this
30 division with respect to the following:

31 Sec. 18. Section 324.3, unnumbered paragraph 3,
32 Code 1981, as amended by Acts of the Sixty-ninth
33 General Assembly, Second Extraordinary 1981 Session,
34 chapter 2, section 9, is amended to read as follows:

35 For the privilege of operating motor vehicles in
36 this state an excise tax of five cents per gallon
37 for the period beginning May 1, 1981 and ending August
38 31, 1981 and an excise tax of six cents per gallon
39 for the period beginning September 1, 1981 and ending
40 June 30, 1983 1982, an excise tax of nine cents per
41 gallon for the period beginning July 1, 1982 and
42 ending June 30, 1983, an excise tax of eleven cents
43 per gallon for the period beginning July 1, 1983 and
44 ending June 30, 1984, an excise tax of twelve cents
45 per gallon for the period beginning July 1, 1984 and
46 ending June 30, 1985, is imposed upon the use of
47 gasohol used for any purpose except as otherwise
48 provided in this division.

49 Sec. 19. Chapter 422, Code 1981, is amended by
50 adding sections 20 through 26 of this Act as a new

Page 6

1 division.

2 Sec. 20. NEW SECTION. DEFINITIONS. As used in
3 this division unless the context otherwise requires:

4 1. "Corporation" has the meaning ascribed to it
5 in section 422.32, subsection 1.

6 2. "Tax year" has the meaning ascribed to it in
7 section 422.4, subsections 4 and 5.

8 3. "Gross receipts" means all receipts from within
9 or without the United States without deduction on
10 account of the cost of the property sold, the cost
11 of materials used, labor or services, or other costs,
12 interest, or discount paid, or any other expense.
13 However, "gross receipts" does not include receipts
14 for the issuance or sale of shares of capital stock,
15 money lent to the company, receipts from a sale of
16 fuel oil, used for residential purposes, other than
17 diesel motor fuel, or receipts from a sale for resale
18 to a purchaser which is an oil company subject to
19 tax under this division. Receipts are not from a
20 sale for resale unless the purchaser furnishes the

21 oil company with a resale certificate in the form
22 and under terms and conditions the director prescribes
23 and the certificate is accepted in good faith by the
24 oil company.

25 4. "Oil company" means a corporation formed for
26 or engaged in the business of importing or causing
27 to be imported into this state for sale in this state,
28 extracting, producing, refining, manufacturing,
29 compounding, or selling petroleum. However, "oil
30 company" does not include a corporation which is
31 principally engaged in selling fuel oil used for
32 residential purposes, other than diesel motor fuel.

33 5. "Petroleum" includes, but is not limited to,
34 gasoline, aviation fuel, kerosene, diesel motor fuel,
35 benzol, distillate fuels, residual oil, crude oil,
36 or any similar product.

37 Sec. 21. NEW SECTION. ADDITIONAL CORPORATE TAX
38 IMPOSED. In addition to any other tax imposed under
39 this chapter, there is imposed upon each oil company
40 for the privilege of doing business within this state
41 an annual tax of two percent of its gross receipts
42 apportioned to the state. However, the tax imposed
43 on a corporation by this division shall not be less
44 than two hundred fifty dollars.

45 Sec. 22. NEW SECTION. APPORTIONMENT OF GROSS
46 RECEIPTS. The portion of the gross receipts of an
47 oil company apportioned to the state is determined
48 by multiplying its gross receipts by an apportionment
49 percentage equal to the percentage which the receipts
50 of the oil company for the tax year from sales of

Page 7

1 its tangible personal property where shipments are
2 made to points within this state, services performed
3 within the state, rentals from property situated
4 within this state, royalties from the use of patents
5 or copyrights within this state, and all other business
6 receipts earned within the state, is of the total
7 amount of the oil company's receipts, similarly
8 computed, for the tax year from all sales of its
9 tangible personal property, services, rentals,
10 royalties, and all other business transactions, within
11 or without the state. Receipts from a sale of fuel
12 oil used for residential purposes shall be included
13 as receipts in the computation of the apportionment
14 percentage.

15 Sec. 23. NEW SECTION. REVENUES—BRIDGE
16 CONSTRUCTION FUND—GENERAL FUND. One-half of all
17 taxes, interest, and penalties collected or refunds
18 made under this division relating to the sale of

19 petroleum during the period beginning July 1, 1982
20 and ending June 30, 1987, shall be credited to or
21 withdrawn from the "bridge construction fund" which
22 is hereby created. Moneys shall be allocated from
23 the bridge construction fund to counties and cities
24 in the proportions provided in section 312.3, however
25 the moneys may only be used for the construction and
26 reconstruction of bridges. If a county or city does
27 not use its allocation under the bridge construction
28 fund by June 30 of each year, the unused allocation
29 shall revert back to the bridge construction fund
30 for redistribution. A county or city is deemed to
31 "use" its allocation either through actual cash outlays
32 or by entering into a contract for bridge construction.
33 Any moneys remaining in the bridge construction fund
34 after June 30, 1987 shall be distributed to counties
35 and cities for bridge construction and reconstruction
36 on the basis of need as determined by the state
37 department of transportation.

38 All other taxes, interest, and penalties collected
39 or refunds made under this division shall be credited
40 to or withdrawn from the general fund.

41 Sec. 24. NEW SECTION. INCOME TAX CREDIT ON
42 PETROLEUM USED OTHER THAN IN WATERCRAFT OR MOTOR
43 VEHICLES. Each person or corporation subject to
44 taxation under divisions II or III of this chapter
45 may receive an income tax credit for tax years
46 beginning on or after July 1, 1982. For purposes
47 of this section the term "person" includes a person
48 claiming a tax credit based upon the person's pro
49 rata share of the earnings from a partnership or
50 corporation which corporation or partnership as a

Page 8

1 business entity is not subject to a tax under divisions
2 II or III of this chapter as a partnership or
3 corporation. The income tax credit shall be based
4 on the price of petroleum purchased during the tax
5 year when the use of the petroleum was for the purpose
6 of operating or propelling farm tractors, corn
7 shellers, roller mills, truck-mounted feed grinders,
8 stationary gas engines, aircraft, for producing
9 denatured alcohol within the state, for cleaning or
10 dyeing or for any purpose other than in watercraft
11 or for propelling motor vehicles operated or intended
12 to be operated upon the public highways.

13 However, no credit shall be given for petroleum
14 taken out of the state in fuel supply tanks of motor
15 vehicles or for the petroleum purchased for resale.
16 The right to a credit under this section is not

17 assignable and the credit may be claimed only by the
18 person or corporation that purchased the petroleum.
19 The income tax credit may be applied against the
20 income tax liability of the person or corporation
21 as determined on the tax return filed for the year
22 in which the petroleum was purchased. The income
23 tax credit on petroleum used for the purpose of
24 operating aircraft must be itemized separately. The
25 department shall provide forms for claiming the income
26 tax credit. If the income tax credit would result
27 in an overpayment of income tax, the person or
28 corporation may apply for a refund of the amount of
29 overpayment or may have the overpayment credited to
30 income tax due in subsequent years. Each person or
31 corporation that claims an income tax credit under
32 this section shall maintain the original invoices
33 showing the purchase of the petroleum on which a
34 credit is claimed. No invoice is acceptable in support
35 of a claim for credit unless it is a separate serially
36 numbered invoice covering no more than one purchase
37 of petroleum, prepared by the seller on a form approved
38 by the department, nor unless it is legibly written
39 with no corrections or erasures and shows the date
40 of sale, the name and address of the seller and of
41 the purchaser, the kind of petroleum, the gallonage
42 in figures, the per gallon price of the petroleum,
43 the total purchase price, and that the total purchase
44 price has been paid. However, as to refund invoices
45 made on a billing machine the department may waive
46 these requirements. If an original invoice is lost
47 or destroyed, the department may approve a credit
48 supported by a copy identified and certified by the
49 seller as being a true copy of the original. Each
50 person or corporation that claims an income tax credit

Page 9

1 under this section shall maintain complete records
2 of purchases of petroleum for which an income tax
3 credit is claimed.
4 In order to verify the validity of a claim for
5 credit the department of revenue shall have the right
6 to require the claimant to furnish such additional
7 proof of validity as the department of revenue may
8 determine and to examine the books and records of
9 the claimant. Failure of the claimant to furnish
10 the claimant's books and records for examination shall
11 constitute a waiver of rights to claim a credit related
12 to that taxpayer's year and the department may disallow
13 the entire credit claimed by the taxpayer for that
14 year.

15 The income tax credit shall be in the amount
16 determined by multiplying the purchase price of
17 petroleum subject to the credit times two hundredths
18 divided by one and two hundredths.

19 Sec. 25. NEW SECTION. STATUTES APPLICABLE TO
20 THIS DIVISION. The applicable provisions of sections
21 422.24 to 422.30, 422.36, 422.37, and 422.40, and
22 division VI of this chapter apply to oil companies
23 taxable and to the tax and other requirements imposed
24 under this division.

25 Sec. 26. NEW SECTION. REPORT—PENALTY. In
26 addition to and to be filed at the same time as the
27 tax return filed under this division, an oil company
28 shall file a report including such information as
29 prescribed by the director.

30 If an oil company fails to file the report or fails
31 to file it on time, a penalty of one percent of the
32 tax imposed under this division shall be assessed
33 for each day the report has not been filed or was
34 filed late.

35 Sec. 27. Sections 20 through 26 of this Act apply
36 to tax years beginning on or after July 1, 1982.

37 Sec. 28. This Act, being deemed of immediate
38 importance, takes effect from and after its publication
39 in The Hudson Herald, a newspaper published in Hudson,
40 Iowa, and in the Bremer County Independent and Waverly
41 Democrat, a newspaper published in Waverly, Iowa." "

42 2. Page 2, by striking lines 7 through 12 and
43 inserting in lieu thereof the following:

44 "2. Amend the title, by striking lines 2 through
45 4 and inserting in lieu thereof the following:
46 "providing an ethanol production incentive, providing
47 a gross receipts tax on oil companies, providing an
48 appropriation, providing civil penalties and making
49 criminal penalties applicable." "

Lageschulte of Bremer rose on a point of order that amendment
H—5862 was not germane.

The Speaker ruled the point well taken and amendment
H—5862, to the committee amendment H—5537, not germane.

Schroeder of Pottawattamie offered the following amendment
H—5865, to amendment H—5537, filed by him from the floor and
moved its adoption:

H—5865

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5537 to Senate File 2091 as amended, passed, and

3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 4 the following:

5 "Sec. . Section 214A.2, Code 1981, is amended

6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Gasoline shall not

8 contain a mixture of more than thirteen percent

9 ethanol.

10 Sec. . Chapter 214A, Code 1981, is amended

11 by adding the following new section:

12 NEW SECTION. Any retail dealer who sells or holds

13 for sale motor vehicle fuel containing ethanol shall

14 conspicuously post upon any container or pump from

15 which the motor fuel is being sold, a two inch by

16 six inch notice with letters at least one-half inch

17 high stating "ethanol blend".

18 2. By renumbering sections as necessary.

Amendment H—5865, to the committee amendment H—5537, was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5711, to the committee amendment H—5537, filed by him on April 6, 1982.

Davitt of Warren offered the following amendment H—5866, to amendment H—5537, filed by him from the floor and moved its adoption:

H—5866

1 Amend the Committee on Ways and Means amendment,

2 H—5537, to Senate File 2091 as amended, passed, and

3 reprinted by the Senate, as follows:

4 1. Page 2, by striking lines 2 through 6 and

5 inserting in lieu thereof the following:

6 "Sec. . This Act takes effect upon the filing

7 of the study of the state department of transportation

8 with the general assembly as mandated in Acts of the

9 Sixty-ninth General Assembly, Second Extraordinary

10 1981 Session, chapter 2, section 17."

11 2. Page 2, line 12, by striking the word

12 "publication" and inserting in lieu thereof the words

13 "the filing with the general assembly of the study

14 mandated in Acts of the Sixty-ninth General Assembly,

15 Second Extraordinary 1981 Session, chapter 2, section

16 17".

17 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 54.

Amendment H—5866, to the committee amendment H—5537, lost.

Speaker pro tempore Menke of O'Brien in the chair at 11:35 a.m.

(House File 2091 and the committee amendment H—5537 pending at recess.)

HOUSE CONCURRENT RESOLUTION 144

By Dieleman

1 *Whereas*, Dutch antecedents in the United States go back
2 to the early 1600's when a few doughty Dutch began to
3 explore and settle Manhattan Island and the Hudson River
4 Valley; and
5 *Whereas*, Iowa owes much to her Dutch antecedents, who
6 have left an enduring mark; and
7 *Whereas*, the Netherlands became the first nation in
8 1776 to salute the flag of the new American Nation; and
9 *Whereas*, it is with the Netherlands that the United
10 States has its longest peaceful and unbroken relationship;
11 and
12 *Whereas*, April 19, 1982, marks the bicentennial of the
13 opening of diplomatic relations between the United States and
14 the Netherlands; and
15 *Whereas*, these two centuries of official relations have
16 been based on exemplary friendship, mutual trust and respect,
17 and a perceived interest in practical forms of cooperation;
18 and
19 *Whereas*, in this bicentennial year of diplomatic relations,
20 Iowa will be graced by the visit of Her Majesty Queen Beatrix
21 of the Netherlands; and
22 *Whereas*, it is fitting that this royal visit be
23 accompanied by a suitable public acknowledgment of the warm
24 bond of friendship existing between the United States and the
25 Netherlands, and of the debt Iowa owes to its vibrant Dutch
26 heritage; *Now Therefore*,
27 *Be It Resolved by the House of Representatives, the Senate*
28 *Concurring*, That April 19, 1982 is hereby designated "Dutch-
29 American Friendship Day", and the people of the state of Iowa
30 are urged to observe the day in an appropriate manner.

Laid over under Rule 30.

On motion by Pope of Polk, the House was recessed at 11:42 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILLS

House File 2487, by Pope and Avenson, a bill for an act to impose a moratorium on the implementation or enforcement of certain rules relating to the acts which may be performed by registered nurses or licensed practical nurses.

Read first time and referred to committee on **human resources**.

House File 2488, by committee on ways and means, a bill for an act relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years.

Read first time and placed on the ways and means calendar.

House File 2489, by Pope and Avenson, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land.

Read first time and referred to committee on **judiciary and law enforcement**.

BUSINESS PENDING AT RECESS

Unfinished Business Calendar

The House resumed consideration of **Senate File 2091**, a bill for an act to increase the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty, and the committee amendment H—5537 found on pages 1242 and 1243 of the House Journal.

Lonergan of Boone offered the following amendment H—5869, to amendment H—5537, filed by Lonergan, et al., from the floor and moved its adoption:

H—5869

1 Amend the Committee on Ways and Means amendment,

2 H-5537, to Senate File 2091 as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by striking lines 15 and 16 and insert-
5 ing in lieu thereof the following: "for the period
6 beginning July 1, 1978 and ending June 30, 1983 the
7 last day of the month following the month in which the
8 statewide average wholesale price of unleaded gasoline
9 reaches one dollar and fifty cents per gallon and except
10 as otherwise provided in".

11 2. Page 1, by striking lines 39 through 49 and
12 inserting in lieu thereof the following: "June 30, 1983
13 1982, an excise tax of eight cents per gallon for the
14 period beginning July 1, 1982 and ending on the last day
15 of the month following the month in which the statewide
16 average wholesale price of unleaded gasoline reaches one
17 dollar and twenty cents per gallon, an excise tax of ten
18 cents per gallon for the period beginning the first day of
19 the second month following the month in which the state-
20 wide average wholesale price of unleaded gasoline reaches
21 one dollar and twenty cents per gallon and ending on the
22 last day of the month following the month in which the
23 statewide average wholesale price of unleaded gasoline
24 reaches one dollar and thirty cents per gallon, an
25 excise tax of eleven cents per gallon beginning on the
26 first day of the second month following the month in
27 which the statewide average wholesale price of unleaded
28 gasoline reaches one dollar and thirty cents per gallon
29 and ending on the last day of the month following the
30 month in which the statewide average wholesale price of
31 unleaded gasoline reaches one dollar and forty cents
32 per gallon, an excise tax of twelve cents per gallon
33 beginning the first day of the second month following
34 the month in which the statewide average wholesale price
35 of unleaded gasoline is one dollar and forty cents per
36 gallon and ending the last day of the month following the
37 month in which the statewide average wholesale price of
38 unleaded gasoline reaches one dollar and fifty cents
39 per gallon, is imposed upon".

40 3. Page 2, by inserting after line 1 the following:

41 "Sec. . Chapter 324, Code 1981, is amended by
42 adding the following new section to division I:

43 NEW SECTION. DETERMINATION OF STATEWIDE AVERAGE
44 WHOLESALE PRICE OF UNLEADED GASOLINE. The energy policy
45 council shall determine when the statewide average
46 wholesale price of unleaded gasoline reaches levels neces-
47 sary to increase the excise tax on gasohol under section
48 324.3."

49 4. Page 2, by striking lines 2 through 6.

50 5. Page 2, line 8, by striking the word "providing"

Page 2

- 1 and inserting in lieu thereof the word ", providing".
- 2 6. Page 2, by striking lines 11 and 12 and insert-
- 3 ing in lieu thereof the following: "ethanol, and
- 4 providing a penalty".
- 5 7. Renumber as necessary.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth on request of Clark of Cerro Gordo.

Roll call was requested by Lonergan of Boone and Davitt of Warren.

On the question "Shall amendment H—5869 be adopted?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Byerly	Chiodo	Clark, J. H.
Cochran	Connolly	Connors	Daggett
Davitt	Dieleman	Doderer	Fey
Gettings	Hall	Halvorson, R. N.	Harbor
Horn	Howell	Jay	Knapp
Lloyd-Jones	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Rapp
Renaud	Running	Spear	Sturgeon
Sullivan	Swartz	Tofte	Van Maanen
Welsh	Woods		

The nays were, 53:

Anderson, J.	Bennett	Brandt	Branstad
Bruner	Carl	Carpenter	Clark, B. J.
Clements	Conlon	Cook	Corey
Crabb	Danker	De Groot	Diemer
Egenes	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Hoffmann-Bright	Holt	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Smalley	Smith	Stueland
Swearingen	Trucano	Tyrrell	Welden
Mr. Speaker			

Absent or not voting, 5:

Copenhagen
Walter

Groth

Mullins

Pelton

Amendment H—5869, to the committee amendment H—5537, lost.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session at 3:45 p.m., Speaker Stromer in the chair.

Lageschulte of Bremer moved the adoption of amendment H—5537, as amended.

A non-record roll call was requested.

The ayes were 71, nays 20.

The committee amendment H—5537, as amended, was adopted.

With the adoption of the committee amendment H—5537, as amended, the following amendments were placed out of order:

H—5550 filed by Diemer of Black Hawk, et al., on March 24, 1982.

H—5564 filed by Tyrrell of Iowa, et al., on March 25, 1982.

H—5659 filed by Lind of Black Hawk on March 31, 1982.

The following amendment H—5872 filed by Lageschulte of Bremer from the floor was adopted by unanimous consent:

H—5872

- 1 Amend Senate File 2091, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Title page, line 1, by striking the words
- 4 "to increase" and inserting in lieu thereof the
- 5 words "relating to motor vehicle fuel, including
- 6 provisions relating to ethanol blended motor vehicle
- 7 fuel, and increasing".

Lageschulte of Bremer moved that the bill be read a last time and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2091)

The ayes were, 73:

Anderson, J.	Arnould	Baxter	Bennett
Branstad	Bruner	Byerly	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Connolly	Cook	Copenhaver	Crabb
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lind	Lloyd-Jones	Mann
Maulsby	McKean	Menke	O'Kane
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renken
Ritsema	Rosenberg	Schneklath	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

The nays were, 22:

Anderson, R.	Avenson	Binneboese	Brandt
Carl	Chiodo	Cochran	Connors
Daggett	Davitt	Halvorson, R. N.	Krewson
Lonergan	Norland	Pavich	Renaud
Running	Smalley	Sullivan	Walter
Welsh	Woods		

Absent or not voting, 5:

Corey	Danker	Johnson, J.	Mullins
Rapp			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENTS CONSIDERED

House Concurs

Krewson of Polk called up for consideration **House File 2360**, a bill for an act to exempt travel trailers from the regulation of mobile home parks, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5798

- 1 Amend House File 2360, as passed by the House,
- 2 as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Chapter 135D, Code 1981, is amended
- 6 by adding the following new section:
- 7 **NEW SECTION. WILDERNESS CAMPSITES.** The rules
- 8 issued under this chapter which require the providing
- 9 of water supply, sewage disposal, and garbage disposal
- 10 to each lot of a mobile home park do not apply if
- 11 the park is a recreational mobile home park which
- 12 features a primitive setting and does not offer any
- 13 other utility service to each lot."
- 14 2. Title page, by striking lines 1 and 2 and
- 15 inserting in lieu thereof the words "An Act to exempt
- 16 wilderness campsites from the requirements of the
- 17 department of health to furnish water, garbage, and
- 18 sewage disposal facilities."

The motion prevailed and the House concurred in the Senate amendment H—5798.

Krewson of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2360)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Norland	O'Kane

Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Johnson, J.

Mullins

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Smalley of Polk called up for consideration **House File 2460**, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, amended by the following Senate amendment:

H-5834

1 Amend House File 2460 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by inserting after line 22 the
4 following:

5 "Sec. . Section 232.28, subsection 1, Code
6 1981, is amended to read as follows:

7 1. Any person having knowledge of the facts may
8 file a complaint with the court or its designee
9 alleging that a child has committed a delinquent act.
10 A written record shall be maintained of any oral
11 complaint received."

12 2. Page 3, by striking line 34 through page 4,
13 line 8.

14 3. Page 4, by inserting after line 30 the
15 following:

16 "Sec. . Section 232.75, Code 1981, is amended
17 by adding the following new subsection:

18 NEW SUBSECTION. Any person who reports or causes
19 to be reported false information to the department
20 of social services, alleging that a person has abused
21 a child, knowing that the information is false, or
22 who reports the alleged occurrence of child abuse
23 knowing that the child abuse did not occur, is guilty
24 of a simple misdemeanor. The department of social
25 services shall notify the appropriate county attorney
26 of such a report."

27 4. Page 5, line 7, by inserting after the word
28 "occurred" the words "and that the continued presence
29 of the alleged sexual offender in the child's residence
30 presents an imminent danger to the child's life or
31 health".

32 5. Page 6, by inserting after line 22 the
33 following:

34 "Sec. . Section 232.147, subsection 5, Code
35 1981, is amended to read as follows:

36 5. Inspection of social records and disclosure
37 of their contents shall not be permitted except
38 pursuant to court order or unless otherwise provided
39 in this subsection or chapter.

40 If an informal adjustment of a complaint is made
41 pursuant to section 232.29, the intake officer shall
42 disclose to the victim of the delinquent act, upon
43 the request of the victim, the name and address of
44 the child who committed the delinquent act."

45 6. Page 6, by striking line 34, and inserting
46 in lieu thereof the words "taken into custody and
47 who is fourteen years of age or older".

48 7. Title, page 1, line 7, by inserting after the
49 word "release," the words "to require a written record
50 of any oral complaint received,".

Page 2

- 1 8. Title, page 1, line 10, by inserting after
- 2 the word "records," the words "to provide a penalty
- 3 for false reports of child abuse,".
- 4 9. Title, page 1, lines 16 and 17, by striking
- 5 the words "to require delinquency adjudicatory hearings
- 6 to be held within sixty days,".
- 7 10. Title, page 2, line 1, by inserting after
- 8 the word "assistance," the words "to provide disclosure
- 9 of certain information to the victim of the delinquent
- 10 act,".
- 11 11. By renumbering as necessary.

Smalley of Polk offered amendment H—5861, to amendment H—5834, filed by Smalley, et al., and requested division as follows:

H—5861

- 1 Amend amendment H—5834, the Senate amendment to
- 2 House File 2460, as amended, passed and reprinted by the
- 3 House, as follows:

H—5861A

- 4 1. Page 1, by striking lines 5 through 11 and
- 5 inserting in lieu thereof the following:
- 6 "Sec. . Section 232.28, subsections 1 and 2,
- 7 Code 1981, are amended to read as follows:
- 8 1. Any person having knowledge of the facts may
- 9 file a complaint with the court or its designee
- 10 alleging that a child has committed a delinquent act.
- 11 A written record shall be maintained of any oral
- 12 complaint received.
- 13 2. The Court or its designee shall refer the
- 14 complaint to an intake officer who shall consult with
- 15 law enforcement authorities having knowledge of the
- 16 facts and conduct a preliminary inquiry to determine
- 17 what action should be taken."

H—5861B

- 18 2. Page 1, by striking lines 14 through 26.
- 19 3. Page 1, by striking lines 27 through 31.
- 20 4. Page 2, by striking lines 1 through 3.

Smalley of Polk moved the adoption of amendment H—5861A.

Amendment H—5861A, to the Senate amendment H—5834, was adopted.

Smalley of Polk moved the adoption of amendment H—5861B.

Amendment H—5861B, to the Senate amendment H—5834, was adopted.

On motion by Smalley of Polk the House concurred in the Senate amendment H—5834, as amended.

Smalley of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lloyd-Jones	Loneragan	Mann	McKean
Menke	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 1:

Maulsby

Absent or not voting, 2:

Lind

Mullins

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Poffenberger of Dallas called up for consideration **House File 2437**, a bill for an act to assure the continuation of human service programs delivered by community action agencies, amended by the following Senate amendment:

H—5799

- 1 Amend House File 2437 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 10, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".
- 5 2. Page 1, line 14, by striking the word "may"
- 6 and inserting in lieu thereof the word "shall".
- 7 3. Page 2, line 9, by inserting after the word
- 8 "board" the words "or may contract with a delegate
- 9 agency".
- 10 4. Page 2, line 10, by inserting after the word
- 11 "board" the words "or delegate agency board".
- 12 5. Page 2, line 11, by inserting after the words
- 13 "advisory board" the words "or delegate agency board".
- 14 6. Page 2, line 17, by inserting after the words
- 15 "governing board" the words ", delegate agency board,".
- 16 7. Page 3, line 1, by inserting after the word
- 17 "agency" the words "or delegate agency".
- 18 8. Page 4, line 11, by striking the word "may"
- 19 and inserting in lieu thereof the word "shall".
- 20 9. Page 4, by striking lines 15 through 19 and
- 21 inserting in lieu thereof the following:
- 22 "If a political subdivision is the agency,".
- 23 10. Page 5, by inserting after line 5, the
- 24 following:
- 25 "Sec. 12. **NEW SECTION. REPEAL AND REVIEW.**
- 26 Sections 2 through 11 of this Act are repealed
- 27 effective July 1, 1984. The second session of the
- 28 Seventieth General Assembly meeting in the year 1984
- 29 shall review the activities and performance of the
- 30 actions of the office for planning and programming
- 31 relating to the policy and purpose of this Act and
- 32 shall not later than July 1, 1984 make a determination
- 33 concerning the status and duties of the department."

Rapp of Black Hawk offered amendment H—5851, to amend-
ment H—5799, filed by Rapp and Clark of Cerro Gordo as follows:

H-5851

- 1 Amend the Senate amendment H-5799 to House File
- 2 2437 as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by inserting after line 19 the
- 5 following:
- 6 " Page 4, line 14, by inserting after the
- 7 word "sources." the words "The director may provide
- 8 up to five percent of the community service block
- 9 grant to single purpose agencies." "
- 10 2. Page 1, by inserting after line 24 the
- 11 following:
- 12 "NEW SUBSECTION. "Single purpose agency" means
- 13 an agency which operates one or several programs which
- 14 are either limited functionally or geographically,
- 15 which has a board of directors or an advisory
- 16 committee, one-third of which is composed of persons
- 17 who according to federal guidelines have incomes at
- 18 or below poverty level and are elected by such persons,
- 19 or are representatives elected by such persons. The
- 20 director may establish duties of the board of directors
- 21 or the advisory committee of the single purpose agency
- 22 and the duties of the single purpose agency."
- 23 3. By renumbering as necessary.

Krewson of Polk rose on a point of order that amendment H-5851 was not germane.

The Speaker ruled the point well taken and amendment H-5851, to the Senate amendment H-5799, not germane.

Rapp of Black Hawk asked for unanimous consent to consider amendment H-5851.

Objection was raised.

Poffenberger of Dallas moved that the House concur in the Senate amendment H-5799.

The motion prevailed and the House concurred in the Senate amendment H-5799.

Poffenberger of Dallas 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. 2437)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lloyd-Jones
Lonergan	McKean	Menke	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poney
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 3:

Mann	Maulsby	Smalley
------	---------	---------

Absent or not voting, 3:

Danker	Lind	Mullins
--------	------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Schroeder of Pottawattamie called up for consideration **House File 2334**, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its

railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, amended by the following Senate amendment:

H-5820

1 Amend House File 2334 as passed by the House as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 327E.1, Code 1981, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Any such railway
8 corporation may take and hold voluntary grants of
9 real estate and other property as are made to it to
10 aid in the construction, maintenance, and continued
11 operation of its railway. However, all real estate
12 so received shall be held only as long as the real
13 estate is used for the construction, maintenance,
14 and continued operation of a railway.

15 Sec. 2. Section 327G.62, Code 1981, as amended
16 by Acts of the Sixty-ninth General Assembly, 1981
17 Session, chapter 22, section 22, is amended to read
18 as follows:

19 327G.62 BUILDINGS OR OTHER IMPROVEMENTS ON RAILROAD

20 LANDS. When a disagreement arises between a railroad
21 corporation, its grantee, or successor in interest
22 and the owner or lessee of any building or other
23 improvement, including trackage, used for receiving,
24 storing, transporting, or manufacturing any article
25 of commerce transported or to be transported, situated
26 on the a present or former railroad right of way
27 right-of-way or any land owned or controlled by the
28 railroad corporation for railroad purposes, its
29 grantee, or successor in interest, as to the terms
30 and conditions on which the same is to be continued
31 thereon or removed therefrom, such the railway
32 corporation, its grantee, or successor in interest
33 or person owner or lessee may make written application
34 to the authority and the authority shall hear and
35 determine such the controversy and make such an order
36 in relation thereto as shall be just and equitable
37 between the parties, which order shall be enforced
38 in the same manner as other orders of the authority.

39 Sec. 3. Chapter 327G, Code 1981, is amended by
40 adding the following new sections as sections 327G.78

41 and 327G.79:

42 NEW SECTION. 327G.78 SALE OF RAILROAD PROPERTY.

43 Subject to sections 327G.77, 471.16, and 471.17, when
44 a railroad corporation, its trustee, or successor
45 in interest have interests in a railroad right-of-
46 way or other real property adjacent to it that are
47 abandoned by order of the interstate commerce
48 commission, reorganization court, bankruptcy court,
49 or the authority or are otherwise abandoned as defined
50 by section 471.15, or when a railroad corporation,

Page 2

1 trustee, or successor in interest seeks to sell its
2 interests in that property under any other
3 circumstance, the railroad corporation or trustee
4 shall extend a written offer to sell at a fair market
5 value price to the persons leasing those properties,
6 allowing sixty days from the time of receipt for a
7 written response. If a disagreement arises between
8 the parties concerning the price or other terms of
9 the sale transaction, either or both parties may make
10 written application to the authority to resolve the
11 disagreement. The application shall be made within
12 sixty days from the time an initial written response
13 is served upon the railroad corporation, trustee,
14 or successor in interest by the person wishing to
15 purchase the property. The authority shall hear the
16 controversy and make a final determination of the
17 fair market value of the property and the other terms
18 of the transaction which were in dispute within ninety
19 days after the application is filed. All
20 correspondence shall be by certified mail.

21 The decision of the authority shall be binding
22 on the parties, except that a person who seeks to
23 purchase such real property may withdraw the offer
24 to purchase within thirty days of the authority's
25 decision. If such a withdrawal is made, the railroad
26 corporation, trustee, or successor in interest may
27 sell or dispose of the real property without further
28 order of the authority.

29 NEW SECTION. 327G.79 VALUING RAIL PROPERTY.

30 The authority's determination and order shall be just
31 and equitable and in the case of the determination
32 of the fair market value of the property, shall be
33 based in part upon at least three independent
34 appraisals prepared by certified appraisers. Each
35 party shall select one appraiser and each appraisal
36 shall be paid for by the party for whom the appraisal
37 is prepared. The two appraisers shall select a third
38 appraiser and the costs of this appraisal shall be

39 divided equally between the parties. If the appraisers
40 selected by the parties cannot agree on selection
41 of a third appraiser, the authority shall appoint
42 a third appraiser and the costs of this appraisal
43 shall be divided equally between the parties.

44 The authority's determination and order shall be
45 final for the purpose of administrative review to
46 the district court as provided in chapter 17A. The
47 district court's scope of review shall be confined
48 to whether there is substantial evidence to support
49 the authority's determination and order.

50 For purposes of this section and section 327G.78,

Page 3

1 "authority" means the transportation regulation
2 authority.

3 Sec. 4. Section 442.2, Code 1981, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. For purposes of section 442.1,
6 the "amount per pupil of foundation property tax"
7 and the "money raised by the foundation property tax"
8 do not include the tax levied under subsection 1 on
9 the property of a railway corporation or its trustee
10 which corporation has been declared bankrupt or is
11 in bankruptcy proceedings.

12 Sec. 5. Section 444.3, unnumbered paragraph 1,
13 Code 1981, is amended to read as follows:

14 When the valuations for the several taxing districts
15 shall have been adjusted by the several boards for
16 the current year, the county auditor shall thereupon
17 apply such a rate, not exceeding the rate authorized
18 by law, as will raise the amount required for such
19 taxing district, and no larger amount. For purposes
20 of computing the rate under this section, the adjusted
21 taxable valuation of the property of a taxing district
22 does not include the valuation of property of a railway
23 corporation or its trustee which corporation has been
24 declared bankrupt or is in bankruptcy proceedings.
25 Nothing in the preceding sentence exempts the property
26 of such railway corporation or its trustee from
27 taxation and the rate computed under this section
28 shall be levied on the taxable property of such railway
29 corporation or its trustee.

30 Sec. 6. Sections 4 and 5 of this Act are effective
31 for fiscal years beginning on or after July 1, 1983.

32 Sec. 7. This Act, being deemed of immediate
33 importance, takes effect from and after its publication
34 in The Red Oak Express, a newspaper published in Red
35 Oak, Iowa, and in the Carroll Daily Times-Herald,
36 a newspaper published in Carroll, Iowa."

- 37 2. Title page, line 3, by striking the words
38 "abandon or".
- 39 3. Title page, line 12, by inserting after the
40 word "buildings" the words "or other improvements".
- 41 4. Title page, line 13, by inserting after the
42 word "interest," the words "by providing that the
43 value of property of a railway corporation which has
44 been declared bankrupt or is in bankruptcy proceedings
45 is not part of the tax base of the taxing district
46 only for purposes of computing the levy rate and the
47 amount to be received from the foundation property
48 tax levy,".

Harbor of Mills offered the following amendment H—5855, to amendment H—5820, filed by Harbor and Schroeder and moved its adoption:

H—5855

- 1 Amend the Senate amendment H—5820 to House File
2 2334 as passed by the House as follows:
- 3 1. Page 1, line 22, by striking the words "or
4 lessee" and inserting in lieu thereof the words "
5 lessee, or licensee".
- 6 2. Page 1, line 33, by striking the words "or
7 lessee" and inserting in lieu thereof the words "
8 lessee, or licensee".
- 9 3. Page 1, lines 45 and 46, by striking the words
10 "a railroad right-of-way or other".
- 11 4. Page 1, line 46, by striking the word "it"
12 and inserting in lieu thereof the words "a railroad
13 right-of-way".
- 14 5. Page 2, line 5, by striking the word "leasing"
15 and inserting in lieu thereof the words "holding
16 leases, licenses, or permits upon".
- 17 6. Page 3, by inserting after line 38 the
18 following:
- 19 " . Title page, lines 3 and 4, by striking the
20 words "a railroad right-of-way or property adjacent
21 to it" and inserting in lieu thereof the words "real
22 property adjacent to a railroad right-of-way".
- 23 . Title page, line 6, by striking the words
24 "the lessees of" and inserting in lieu thereof the
25 words "persons holding leases, licenses, or permits
26 upon".
- 27 . Title Page, line 11, by inserting after the
28 word "owners" the words ", lessees, or licensees"."

Amendment H—5855, to the Senate amendment H—5820, was adopted.

Spear of Lee offered amendment H—5868, to amendment H—5820, filed by him from the floor as follows:

H—5868

- 1 Amend the Senate amendment H—5820 to House File
- 2 2334 as passed by the House, as follows:
- 3 1. Page 1, line 43, by inserting after the figure
- 4 "471.17" the words "and subject to any reversionary
- 5 interests".

Schroeder of Pottawattamie rose on a point of order that amendment H—5868 was not germane.

The Speaker ruled the point not well taken and amendment H—5868, to the Senate amendment H—5820, germane.

Spear of Lee moved the adoption of amendment H—5868.

Amendment H—5868, to the Senate amendment H—5820, lost.

Cochran of Webster offered amendment H—5873, to amendment H—5820, filed by him from the floor and requested division as follows:

H—5873

- 1 Amend the Senate amendment H—5820 to House File
- 2 2334 as passed by the House, as follows:

H—5873A

- 3 1. Page 3, by striking lines 12 through 29.

H—5873B

- 4 2. Page 3, by inserting after line 29 the
- 5 following:
- 6 "Sec. . Section 307.29, Code 1981, as amended
- 7 by Acts of the Sixty-ninth General Assembly, 1981
- 8 Session, chapter 22, section 22 and as amended by
- 9 Acts of the Sixty-ninth General Assembly, 1981 Second
- 10 Extraordinary Session, chapter 3, section 1, is
- 11 repealed."

H—5873A

- 12 3. Page 3, line 46, by striking the words
- 13 "computing the levy rate and".

H—5873B

- 14 4. Page 3, line 48, by inserting after the word
 15 "levy," the words "by repealing the provision relating
 16 to certain delinquent property taxes of a railway
 17 company being collected by the department of
 18 transportation,".
 19 5. By numbering and renumbering as necessary.

Cochran of Webster asked and received unanimous consent to withdraw amendment H—5873A, to the Senate amendment H—5820.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5867, to the Senate amendment H—5820, filed by him from the floor.

Cochran of Webster called up for consideration amendment H—5873B and moved its adoption.

Roll call was requested by Tofte of Winneshiek and Cochran of Webster.

On the question "Shall amendment H—5873B be adopted?"

The ayes were, 45:

Avenson	Binneboese	Byerly	Clements
Cochran	Conlon	Connolly	Copenhaver
Davitt	De Groot	Dieleman	Gettings
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Horn	Jay	Johnson, J.
Knapp	Lind	Loneragan	Mann
Maulsby	McKean	O'Kane	Oxley
Pavich	Poncy	Renaud	Renken
Ritsema	Running	Smalley	Spear
Sturgeon	Sullivan	Swartz	Tofte
Trucano	Tyrrell	Walter	Welsh
Woods			

The nays were, 50:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Brandt	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cook	Corey	Crabb
Daggett	Danker	Diemer	Doderer

Egenes	Fey	Gross	Groth
Harbor	Hoffmann-Bright	Holt	Hummel
Jochum	Johnson, R.	Johnson, W.	Lageschulte
Lloyd-Jones	Menke	Norland	Pellett
Petrick	Poffenberger	Pope	Rapp
Rosenberg	Schnekloth	Schroeder	Shull
Smith	Stueland	Swearingen	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 5:

Connors	Howell	Krewson	Mullins
Pelton			

Amendment H—5873B, to the Senate amendment H—5820, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd, for the remainder of the day, on request of Binneboese of Plymouth.

Schroeder of Pottawattamie moved that the House concur in the Senate amendment H—5820, as amended.

The motion prevailed and the House concurred in the Senate amendment H—5820, as amended.

Schroeder of Pottawattamie moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2334)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth

Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	Maulsby	McKean
Menke	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poney	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Byerly Tofte

Absent or not voting, 3:

Howell Mullins Welden

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER LOST (Senate File 2218)

Bennett of Ida called up for consideration the motion to reconsider Senate File 2218, filed on April 13, 1982, and moved to reconsider the vote by which Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, passed the House on April 13, 1982.

A non-record roll call was requested.

The ayes were 11, nays 82.

The motion lost, placing out of order the motions to reconsider amendment H-5667; and amendment H-5781, to amendment H-5667, filed by Bennett of Ida on April 13, 1982; and the motion to reconsider amendment H-5781, to amendment H-5667, filed by Baxter of Des Moines on April 14, 1982.

MOTION TO RECONSIDER LOST
(Senate File 2234)

Stueland of Clinton called up for consideration the motion to reconsider Senate File 2234, filed on April 14, 1982, and moved to reconsider the vote by which Senate File 2234, a bill for an act to provide the Iowa natural resources council with authority to require compensation for well interference, passed the House on April 14, 1982.

A non-record roll call was requested.

The ayes were 1, nays 88.

The motion lost, placing out of order the motions to reconsider Senate File 2234, amendment H—5600, and amendment H—5818 to amendment H—5600, filed by Schroeder of Pottawattamie on April 14, 1982.

MOTION TO RECONSIDER LOST
(Senate File 2240)

Johnson of Linn called up for consideration the motion to reconsider Senate File 2240, filed on April 7, 1982, and moved to reconsider the vote by which Senate File 2240, a bill for an act repealing the statutes relating to certain appliances equipped with a pilot light, passed the House on April 7, 1982.

A non-record roll call was requested.

The ayes were 15, nays 75.

The motion lost, placing out of order the motions to reconsider Senate File 2240 filed by Pelton of Clinton, Norland of Worth and Groth of Buena Vista on April 7, 1982.

MOTION TO RECONSIDER LOST
(House File 2478)

Clark of Lee called up for consideration the motion to reconsider House File 2478, filed on April 13, 1982, and moved to reconsider the vote by which House File 2478, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax, passed the House on April 13, 1982.

A non-record roll call was requested.

The ayes were 34, nays 52.

The motion lost, placing out of order the motion to reconsider filed by Woods of Polk on April 13, 1982.

MOTION TO RECONSIDER
(Amendment H—5796 to House File 2111)

I move to reconsider the vote by which amendment H—5796 to House File 2111 failed to be adopted by the House on April 14, 1982.

CHIODO of Polk

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 748, a bill for an act requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders.

K. MARIE THAYER, Secretary

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of April, 1982: House Files 84, 2059, 2173, 2337, 2359, 2361, 2371, 2372, 2373, 2374, 2376, 2378, 2379, 2380, 2382, 2385, 2390, 2394, 2397, 2399, 2403, 2410, 2416, 2418, 2422, 2431, 2432 and 2448.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on April 15, 1982 and is on file in the office of the Chief Clerk:

April 15, 1982

Mrs. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

Included in our Supplemental Listing of January 14, 1982, was a claim from Midwest Intercity Ambulance of Sioux City, Iowa, for \$448.75 which was disapproved by the State Appeal Board on January 12, 1982 (claim #10642-69-25). This claim was reconsidered by the Appeal Board on April 12, 1982, and was approved.

As this claim has now been approved it should be withdrawn from consideration by the Claims Committee.

Very truly yours,
Ronald J. Amosson
Executive Secretary
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 15, 1982. Had I been present, I would have voted "aye" on amendment H-5537 to Senate File 2091 and "aye" on Senate File 2091.

COREY of Louisa

I was necessarily absent from the House chamber for a short time on April 15, 1982. Had I been present, I would have voted "aye" on House File 2437.

LIND of Black Hawk

PRESENTATION OF VISITORS

Shull of Warren presented to the House, the Honorable James Middleswart, former member of the House from Warren County.

The Speaker announced that the following visitors were present in the House chamber:

Eighty-five students from South Winneshiek Community School, Calmar, accompanied by Richard Jeune and Fred Boecher. By Avenson of Fayette and Tofte of Winneshiek.

Sixty-seven twelfth grade students from Belle Plaine High School, Belle Plaine, accompanied by R. J. deLacey. By Carl of Poweshiek.

Twenty-one sixth, seventh and eighth grade students from Peoria Elementary Christian School, Peoria, accompanied by their principal, Mr. Glen Stryker. By Dieleman of Marion.

Thirty-four fifth grade students from Lincoln Community Elementary School, Mechanicsville, accompanied by Ruth A. Miller. By McKean of Jones.

Forty-five eleventh and twelfth grade students from Rockwell-Swaledale High School, Rockwell, accompanied by Jim Fredrickson. By Clark of Cerro Gordo.

Seventy sixth grade students from Garner-Hayfield Junior High School, Garner, accompanied by Dan Nielson. By Stromer of Hancock.

Twenty seventh grade students from New Market Junior-Senior High School, New Market, accompanied by Dale Healy and Karen Woodard. By Daggett of Taylor.

SUBCOMMITTEE ASSIGNMENT

House File 2483

Human Resources: Krewson, Chair; Gross, Lonergan and Menke.

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
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2233, a bill for an act relating to the organization, administration, supervision and funding of the courts, and including a recodification of court statutes and providing penalties and an appropriation.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

AMENDMENTS FILED

H—5863	S.F. 2203	Senate Amendment
H—5870	S.F. 2233	Lind of Black Hawk
H—5871	S.F. 2233	Conlon of Muscatine
H—5874	H.F. 2479	Bruner of Story

On motion by Pope of Polk, the House adjourned at 5:32 p.m., until 10:00 a.m., Monday, April 19, 1982.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day—Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 19, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable William "Bill" Dieleman, state representative from Marion County.

The Journal of Thursday, April 15, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rochelle Levy, Des Moines.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd, for a portion of the morning session, on request of Dieleman of Marion; Daggett of Taylor, for a portion of the morning session, on request of Van Maanen of Mahaska; Johnson of Linn, for a portion of the morning session, on request of Lloyd-Jones of Johnson; Davitt of Warren on request of De Groot of Lyon; Pavich of Pottawattamie on request of Walter of Pottawattamie.

HOUSE RULE 61 SUSPENDED

Schroeder of Pottawattamie asked and received unanimous consent to suspend House Rule 61 pertaining to a committee on commerce meeting.

Schnekloth of Scott asked and received unanimous consent to suspend House Rule 61 pertaining to a committee on ways and means meeting.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 131, petitioning Congress regarding student aid programs.

Also: That the Senate has on April 15, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 777, a bill for an act relating to assignments of instruments and accounts.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 858, a bill for an act relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy.

Also: That the Senate has on April 14, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 861, a bill for an act authorizing a person who is confined in a hospital or care facility to qualify for property tax credit.

Also: That the Senate has on April 15, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2362, a bill for an act relating to penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes including provision on estimated payments of corporate income and franchise taxes.

Also: That the Senate has on April 15, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2368, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of other debts.

Also: That the Senate has on April 16, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances.

Also: That the Senate has on April 15, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2393, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2395, a bill for an act providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2396, a bill for an act relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2424, a bill for an act to allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years.

Also: That the Senate has on April 15, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2430, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings.

Also: That the Senate has on April 15, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2464, a bill for an act relating to the Iowa small business loan program.

Also: That the Senate has on April 15, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 276, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by exempting various materials used as a carrier for light-sensitive emulsions.

Also: That the Senate has on April 15, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2191, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2251, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2288, a bill for an act relating to the prepayment of premium taxes by insurance companies.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Also: That the Senate has on April 14, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2293, a bill for an act relating to the apportionment of business income for corporate income tax purposes.

Also: That the Senate has on April 14, 1982, passed (with amendment S—5541 adopted) the following bill in which the concurrence of the House is asked:

Senate File 2297, a bill for an act providing that an assessor shall not list personal property if valuation has not increased to an amount greater than the amount of the credit.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2153, by committee on ways and means, a bill for an act relating to the state sales, services, and use taxes by providing that property sold or used within the meaning of the processing exemption includes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this Act, and making it retroactive.

Read first time and referred to committee on **ways and means**.

Senate File 2191, by committee on ways and means, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication.

Read first time and referred to committee on **ways and means**.

Senate File 2251, by committee on ways and means, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas.

Read first time and referred to committee on **ways and means**.

Senate File 2288, by committee on ways and means, a bill for an act relating to the prepayment of premium taxes by insurance companies.

Read first time and referred to committee on **ways and means**.

Senate File 2292, by committee on ways and means, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Read first time and referred to committee on **ways and means**.

Senate File 2293, by committee on ways and means, a bill for an act relating to the apportionment of business income for corporate income tax purposes.

Read first time and referred to committee on **ways and means**.

Senate File 2297, by committee on ways and means, a bill for an act providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit.

Read first time and referred to committee on **ways and means**.

HOUSE CONCURRENT RESOLUTION 145

By Pellett and Dieleman

- 1 *Whereas*, the major industry in Iowa is farming and
- 2 farm related activities and soil erosion is a problem
- 3 of considerable magnitude which could result in the
- 4 decline of Iowa's major industry; and

5 *Whereas*, soil conservation laws have been in the
6 Code of Iowa for over forty years and the general
7 assembly continually proposes and at times enacts
8 changes or additions to soil conservation laws; and

9 *Whereas*, it is important to the members of the
10 general assembly that they are aware of and have an
11 overall understanding of the laws and rules per-
12 taining to soil conservation to enable them to
13 provide for the efficient implementation of the

14 purposes of the laws and rules; *Now Therefore*,
15 *Be It Resolved by the House of Representatives*,
16 *the Senate Concurring*, That the legislative council
17 establish a committee to study during the 1982
18 interim Iowa's soil conservation laws and rules
19 and to provide by January, 1983 to the general
20 assembly its report and recommendations along with
21 any compilation of laws or rules pertaining to
22 soil conservation that may have been done.

Laid over under Rule 30.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2477, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded, with report of committee recommending amendment and passage was taken up for consideration.

Welden of Hardin offered the following amendment H-5842 filed by committee on appropriations and moved its adoption:

H-5842

1 Amend House File 2477 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "The director of planning and programming shall
5 allocate the amount of financial assistance based
6 upon the size of the poverty-level population in the
7 area represented by the community action areas compared
8 to the size of the poverty-level population in the
9 state."

10 2. Page 7, by striking lines 22 through 33 and

11 inserting in lieu thereof the following:

12 "2. The funds appropriated in subsection 1 shall
13 be".

14 3. Page 8, by inserting after line 11 the
15 following:

16 "3. An amount not exceeding one hundred twelve
17 thousand two hundred (112,200) dollars of the funds
18 allocated in subsection 2 to the state department
19 of health shall be used by the state department of
20 health for administrative expenses. From the funds
21 set aside by this subsection for administrative
22 expenses, the state department of health shall pay
23 to the auditor of state an amount sufficient to pay
24 the cost of auditing the use and administration of
25 the state department of health's portion of the funds
26 allocated in subsection 2. The auditor of state shall
27 bill the state department of health for the costs
28 of the audit."

29 4. Page 8, line 18, by striking the figure "2"
30 and inserting in lieu thereof the figure "3".

31 5. Page 8, by striking lines 22 through 34 and
32 inserting in lieu thereof the following:

33 "5. The state department of health, Iowa
34 specialized child health services, and the department
35 of social services shall jointly study and develop
36 a plan for the integration and coordination of maternal
37 and child health programs, including but not limited
38 to prenatal clinics; obstetric clinics; maternal
39 health centers; child health centers; well-child
40 clinics; the women, infants, and children nutrition
41 program; the maternity and infant care project; the
42 children and youth project; dental clinics; specialized
43 child health clinics; related medical assistance
44 programs, including the early and periodic screening,
45 diagnosis, and treatment program, and medical
46 assistance reimbursements for maternal and child
47 health services; and county maternal and child health
48 programs. The plan shall provide, if possible, for
49 locating the clinics at the same sites and for the
50 sharing of administrative expenses. The plan and

Page 2

1 proposed implementation schedule shall be developed
2 and submitted to the joint human resources
3 appropriations subcommittee by January 31, 1983."

The committee amendment H—5842 was adopted.

Tofte of Winneshiek offered the following amendment H—5848
filed by him and moved its adoption:

H—5848

- 1 Amend House File 2477 as follows:
- 2 1. Page 3, by striking lines 31 through 34 and
- 3 inserting in lieu thereof the following: "admin-
- 4 istrative expenses, an amount sufficient to pay the
- 5 cost of an audit of the use and administration of
- 6 the state's portion of the funds appropriated shall
- 7 be paid. The auditor shall".

Amendment H—5848 was adopted.

Cochran of Webster offered the following amendment H—5878, filed by him from the floor, and moved its adoption:

H—5878

- 1 Amend House File 2477 as follows:
- 2 1. Page 12, line 17, by inserting after the word
- 3 "chairpersons" the words "and ranking members".
- 4 2. Page 12, line 19, by inserting after the word
- 5 "chairpersons" the words "and ranking members".
- 6 3. Page 15, line 6, by inserting after the word
- 7 "chairpersons" the words "and ranking members".
- 8 4. Page 15, line 8, by inserting after the word
- 9 "chairpersons" the words "and ranking members".

Amendment H—5878 was adopted.

Welden of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2477)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn

Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Davitt	Dieleman	Johnson, R.	Pavich
Ritsema			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2488 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2488 be deferred and that the bill retain its place on the calendar.

Regular Calendar

House File 2483, a bill for an act to raise the thresholds for review of expenditures under the certificate of need program, with report of committee recommending amendment and passage was taken up for consideration.

Krewson of Polk offered the following amendment H—5860 filed by the committee on human resources and moved its adoption:

H—5860

- 1 Amend House File 2483 as follows:
- 2 1. Page 2, by inserting after line 3 the following:
- 3 "Sec. 3. Section 135.63, subsection 2, Code 1981,
- 4 is amended by adding the following new lettered
- 5 paragraph:
- 6 NEW LETTERED PARAGRAPH. A health maintenance

- 7 organization or combination of health maintenance
- 8 organizations or an institutional health facility
- 9 controlled directly or indirectly by a health
- 10 maintenance organization or combination of health
- 11 maintenance organizations, except when the health
- 12 maintenance organization or combination of health
- 13 maintenance organizations does any of the following:
- 14 (1) Constructs, develops, renovates, relocates,
- 15 or otherwise establishes an institutional health
- 16 facility.
- 17 (2) Acquires major medical equipment as provided
- 18 by section 135.61, subsection 19, paragraph g."

The committee amendment H—5860 was adopted.

Spear of Lee offered the following amendment H—5854, filed by him and moved its adoption:

H—5854

- 1 Amend House File 2483 as follows:
- 2 1. Page 1, line 20, by striking the word "which"
- 3 and inserting in lieu thereof the word "which".
- 4 2. Page 1, line 21, by striking the word "is".

Amendment H—5854 was adopted.

The following amendment H—5887 filed by Clark of Cerro Gordo from the floor was adopted by unanimous consent:

H—5887

- 1 Amend House File 2483, as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 relating to the applicability of the certificate of
- 5 need program."

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2483)

The ayes were, 97:

Anderson, J.
Baxter

Anderson, R.
Bennett

Arnould
Binneboese

Avenson
Brandt

Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Davitt Johnson, R. Pavich

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2428 WITHDRAWN

Corey of Louisa asked and received unanimous consent to withdraw House File 2428 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 April 19, 1962, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems.

K. MARIE THAYER, Secretary

On motion by Pope of Polk, the House was recessed at 11:42 a.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 800, a bill for an act relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures.

Also: That the Senate has on April 14, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 844, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption.

Also: That the Senate has on April 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication.

Also: That the Senate has on April 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Also: That the Senate has on April 19, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

K. MARIE THAYER, Secretary

The House stood at ease at 2:40 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Stromer in the chair.

SENATE AMENDMENTS CONSIDERED

House Refuses to Concur

Stueland of Clinton called up for consideration **House File 2463**, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, amended by the following Senate amendment:

H-5845

- 1 Amend House File 2463, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. WATER RESOURCES ADVISORY COUNCIL.
- 6 1. An advisory council on water resources is
- 7 created. The advisory council shall make
- 8 recommendations to the general assembly on matters
- 9 related to statewide water resources planning, the
- 10 development of a water resource data base, water use,
- 11 flood plain management, and the organization and
- 12 administration of the water resource and flood plain
- 13 management laws and programs in this state.
- 14 2. The advisory council shall consist of the
- 15 following eleven members:
- 16 a. One member who is knowledgeable of the operation
- 17 of a water supply system in a city of three thousand
- 18 or less population.
- 19 b. One member who is knowledgeable of the operation
- 20 of a water supply system in a city of more than three
- 21 thousand population.
- 22 c. The chairperson of the environmental quality
- 23 commission.
- 24 d. The chairperson of the Iowa natural resources
- 25 council.

- 26 e. The state geologist.
27 f. One member who is a member of a local board
28 of health established under chapter 137.
29 g. One member who is a director of the board,
30 and who is actively engaged in the management of a
31 rural water district established under chapter 357A
32 or 504A.
33 h. One member who is actively engaged in the
34 management of a manufacturing company.
35 i. Two members who are actively engaged in
36 livestock or grain farming.
37 j. One member who is an elector of this state.
38 Except for those members specified under paragraphs
39 c, d, and e, the members of the advisory council shall
40 be appointed by the governor as soon as possible after
41 the effective date of this Act. The members of the
42 advisory council shall be residents of the state and
43 shall be selected without regard to their political
44 affiliation.
45 3. The members of the advisory council who are
46 not in the full-time employment of a public agency
47 shall be paid a per diem of forty dollars while engaged
48 in the performance of the duties of office. Members
49 shall be reimbursed for their actual and necessary
50 expenses while performing the duties of office. The

Page 2

- 1 per diem and other expenses of the advisory council
2 incurred in carrying out its duties shall be paid
3 from funds appropriated to the department of
4 environmental quality and the Iowa natural resources
5 council. The total costs of the advisory council
6 shall be shared equally by the department and the
7 council.
8 4. The advisory council shall organize by the
9 election of a chairperson and shall meet as it deems
10 necessary. The chairperson shall be elected at the
11 first meeting of the advisory council. Meetings may
12 be called by the chairperson and shall be called by
13 the chairperson as regularly scheduled. A majority
14 of the advisory council is a quorum and the concurrence
15 of a majority of the advisory council is required
16 for determination of final recommendations to the
17 general assembly.
18 5. The advisory council shall prepare and submit
19 its recommendations on the organization and
20 administration of the water resource and flood plain
21 management laws and programs in this state to the
22 general assembly not later than January 15, 1983.
23 6. The advisory council and the terms of its

- 24 members shall expire on February 15, 1983."
25 2. Amend the title, by striking lines 1 through
26 11 and inserting in lieu thereof the following: "An
27 Act creating an advisory council on water resources
28 and specifying its duties."

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety members present, ten absent.

Van Maanen of Mahaska offered the following amendment H—5885, to amendment H—5845, filed by him from the floor and moved its adoption:

H—5885

- 1 Amend the amendment, H—5845, to House File 2463,
2 as amended, passed and reprinted by the House, as
3 follows:
4 1. Page 1, lines 29 and 30, by striking the words
5 "board, and" and inserting in lieu thereof the words
6 "board or".

Amendment H—5885, to the Senate amendment H—5845, was adopted.

Schroeder of Pottawattamie asked for unanimous consent to consider amendment H—5853, to amendment H—5845.

Objection was raised.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5853 filed by him on April 14, 1982.

Stueland of Clinton moved that the House concur in the Senate amendment H—5845, as amended.

A non-record roll call was requested.

The ayes were 9, nays 86.

The motion lost and the House refused to concur.

IMMEDIATE MESSAGE
(House File 2463)

Pope of Polk asked and received unanimous consent to immediately message House File 2463 to the Senate.

HOUSE CONCURS

Krewson of Polk called up for consideration **Senate File 2203**, a bill for an act relating to appropriations contained in the Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 11, section 11, subsections 1 and 4 for capital improvements and construction, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H-5863

- 1 Amend the House amendment, S-5504, to Senate File
- 2 2203 as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 12 through 14.
- 4 2. Page 1, by striking lines 15 through 19, and
- 5 inserting in lieu thereof the following:
- 6 "3. Page 2, by striking lines 8 through 11, and
- 7 inserting in lieu thereof the words "takes effect
- 8 from and after its publication in The Altoona Herald-
- 9 Mitchellville Index, a newspaper published in Altoona,
- 10 Iowa, and in The Advocate-Enterprise-Index-Reporter,
- 11 a newspaper published in Rockwell City, Iowa." "

Roll call was requested by Schroeder of Pottawattamie and Tofte of Winneshiek.

Rule 80 was invoked.

On the question "Shall the House concur?"

The ayes were, 49:

Anderson, R.	Arnould	Avenson	Baxter
Bennett	Brandt	Bruner	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Connolly
Diemer	Doderer	Egenes	Fey
Hall	Halvorson, R. A.	Hanson, D.	Hoffmann-Bright
Holt	Horn	Hummel	Jochum
Johnson, R.	Knapp	Krewson	Lloyd-Jones

Lonergan	McKean	Mullins	O'Kane
Pavich	Pelton	Poffenberger	Pope
Rapp	Ritsema	Rosenberg	Running
Schroeder	Smith	Swearingen	Tofte
Trucano	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 48:

Anderson, J.	Binneboese	Branstad	Byerly
Chiodo	Clements	Cochran	Conlon
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	De Groot	Dieleman
Gettings	Gross	Groth	Halvorson, R. N.
Hansen, I.	Harbor	Jay	Johnson, J.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	Menke	Norland	Oxley
Pellett	Petric	Poncy	Renaud
Renken	Schnekloth	Shull	Smalley
Spear	Stueland	Sturgeon	Sullivan
Swartz	Tyrell	Van Maanen	Woods

Absent or not voting, 3:

Danker	Davitt	Howell
--------	--------	--------

The motion prevailed and the House concurred in the Senate amendment H—5863, to the House amendment.

Krewson of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2203)

The ayes were, 77:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Conlon	Connolly
Connors	Copenhaver	Corey	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Groth	Hall
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lloyd-Jones

Loneragan	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Petrick	Poffenberger	Pope	Rapp
Renaud	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, 19:

Branstad	Byerly	Clements	Cochran
Cook	Crabb	Daggett	Gross
Halvorson, R. N.	Johnson, J.	Lind	Mann
Maulsby	Pellett	Poncy	Renken
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 4:

Danker	Davitt	Howell	Pelton
--------	--------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Smith of Scott called up for consideration **House File 2439**, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, amended by the following Senate amendment:

H—5800

- 1 Amend House File 2439 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 3 through 24.

Hummel of Benton asked and received unanimous consent to temporarily defer action on amendment H—5835.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on amendment H—5809 to consider amendment H—5889.

Schroeder of Pottawattamie offered amendment H—5889, to amendment H—5800, filed by him from the floor as follows:

H—5889

- 1 Amend amendment H—5800, the Senate amendment to
- 2 House File 2439, as amended, passed and reprinted by
- 3 the House, as follows:
- 4 1. Page 1, by striking line 3 and inserting in
- 5 lieu thereof the following:
- 6 "1. Page 1, line 22, by inserting after the
- 7 word "brokers." the words "However, an auctioneer
- 8 granted a license under this section may participate
- 9 in continuing education upon payment of the same
- 10 charges imposed upon other holders of licenses." "

HOUSE FILE 2439 DEFERRED

Pope of Polk asked and received unanimous consent that House File 2439 be deferred and that the bill retain its place on the calendar.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 144

Dieleman of Marion asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 144, designating April 19, 1982 as "Dutch-American Friendship Day", filed on April 15, 1982 and found on page 1501 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 to place on the Daily Debate Calendar and to take up for consideration, Senate File 2300 on Tuesday, April 20, 1982.

MOTIONS TO RECONSIDER

(House File 2334)

I move to reconsider the vote by which House File 2334 passed the House on April 15, 1982.

SCHROEDER of Pottawattamie

(Amendment H—5820 to House File 2334)

I move to reconsider the vote by which amendment H—5820 to House File 2334 was adopted by the House on April 15, 1982.

SCHROEDER of Pottawattamie

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 1982, he approved and transmitted to the Secretary of State the following bills:

Senate File 2088, an act to authorize a property tax levy by school districts for a cash reserve.

Senate File 2243, an act to provide minimum separation distances between new anaerobic lagoons for industrial wastewater treatment and existing residences and providing for rules regarding sulfate content in anaerobic lagoons.

Also: That on April 19, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 84, an act relating to pensions under firemen's and policemen's pension funds.

House File 2059, an act relating to motor fuel tests.

House File 2173, an act relating to the projects for which industrial revenue bonds may be issued under Chapter 419 by including land, buildings, or improvements for the use of any housing unit or complex for the elderly or handicapped.

House File 2337, an act relating to the remedy for violation of a rule providing a minimum standard for the regulation of jails and alternative jails.

House File 2359, an act making records of court ordered support payments public records.

House File 2361, an act relating to the access of a spouse to the medical records of a mental health patient.

House File 2371, an act to revise the procedures of the State Appeal Board in the consideration of the budgets of local governments and providing an effective date.

House File 2372, an act relating to leasing of facilities and buildings, the receipt of gifts, and the operation and maintenance of facilities and buildings by an area education agency.

House File 2373, an act relating to the continuation of the activities and functions of the Energy Policy Council, changing the date of the submission of the Council's required report, and eliminating the requirement that public recognition for innovative energy conservation methods be given to ten categories of individuals and organizations in each congressional district.

House File 2374, an act relating to escape from a detention facility or institution and providing a penalty.

House File 2376, an act relating to the boundary lines of merged areas and area education agencies and providing that the Act takes effect upon its publication.

House File 2390, an act permitting merged areas to combine the positions of secretary and treasurer.

House File 2394, an act relating to the replacement of curbing and gutters through the use of special assessments in cities with a population of less than ten thousand.

House File 2397, an act relating to the time of expiration of the commission of a notary public and to the notice required to be given by the Secretary of State and allowing the Secretary of State to appoint as a notary public a resident of a border state working in Iowa.

House File 2399, an act relating to the date of the annual organization meeting of the board of directors of an area education agency.

House File 2403, an act including waterworks and related facilities within the definition of essential corporate purpose.

House File 2410, an act to exclude from the definition of a commercial motor vehicle a motor truck with a combined gross weight of less than twenty-six thousand pounds which is part of an identifiable one-way motor vehicle fleet leased for a period of less than thirty days for moving property owned by a lessee.

House File 2416, an act to allow building movers other than movers of mobile homes and factory-built structures to register for combined gross weight on a single-trip basis.

House File 2418, an act to provide that traffic violation proceedings by the State Board of Regents or its institutions are not contested cases under the Iowa Administrative Procedure Act.

House File 2422, an act to legalize the proceedings of the Oskaloosa Community School District relating to a sale of land.

House File 2431, an act revising deadlines for drawing election precincts, wards, and supervisor districts and requiring maps of supervisor districts to be filed with the State Commissioner of Elections.

House File 2432, an act to provide for approval to raise an additional enrichment amount for a school district's budget at a special election.

House File 2448, an act relating to the procedures for suspension or cancellation of a grain dealer or grain warehouse license.

PROOFS OF PUBLICATION (House File 2489)

Published copy of House File 2489 and verified proof of publica-

tion of said bill in the Estherville Daily News, a newspaper published daily in Estherville, Emmet County, Iowa, on April 9, 1982, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

(Senate File 2303)

Proof of publication for Senate File 2303 can be found on page 950 of the House Journal as provided for in House File 2472.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber for a portion of Monday, April 19, 1982. Had I been present, I would have voted "aye" on House Files 2477 and 2483.

JOHNSON of Linn

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-three eighth grade students from Holy Trinity School, Des Moines, accompanied by Mrs. Nachtrab. By Trucano of Polk.

Thirty-five seventh and eighth grade students from Arnoulds Park Elementary School, Arnoulds Park, accompanied by Mrs. Mildred Anderson, Bill Fredin and Jim Otto. By Hansen of O'Brien.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1982-31	Iowa State University Intrafraternity Council — 1982 Record Blood Drive.
1982-32	Northwest Iowa Review — "Newspaper of the Year"

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON COMMERCE

Senate File 2300, a bill for an act relating to the regulation of financial institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H-5892.

COMMITTEE ON NATURAL RESOURCES

House File 2486, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date.

Fiscal Note is not required.

Recommended **Do Pass**.

AMENDMENTS FILED

H-5875	H.F. 861	Senate Amendment
H-5876	S.F. 276	Senate Amendment
H-5877	H.F. 2488	Hummel of Benton
H-5879	H.F. 777	Senate Amendment
H-5880	H.F. 2393	Senate Amendment
H-5881	H.F. 2430	Senate Amendment
H-5882	H.F. 2339	Senate Amendment
H-5883	H.F. 2368	Senate Amendment
H-5884	H.F. 2369	Senate Amendment
H-5886	H.F. 2488	Rapp of Black Hawk
H-5888	H.F. 2488	Norland of Worth
H-5890	H.F. 2111	Jay of Appanoose
H-5891	H.F. 844	Senate Amendment
H-5892	S.F. 2300	Committee on Commerce
H-5893	H.F. 2488	Rapp of Black Hawk
H-5894	H.C.R. 142	Doderer of Johnson

			Krewson of Polk
			Lonergan of Boone
			Mullins of Kossuth
			Poffenberger of Dallas
H—5895	S.F.	2300	Ritsema of Sioux
			De Groot of Lyon
H—5896	H.F.	2488	Hummel of Benton
			Rapp of Black Hawk

On motion by Pope of Polk, the House adjourned at 5:48 p.m., until 9:00 a.m., Tuesday, April 20, 1982.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day—Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 20, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father Richard Gubbels of the Holy Trinity Catholic Church, Des Moines.

The Journal of Monday, April 19, 1982 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Robert Carney, Grinnell.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 256, a bill for an act relating to powers of credit unions as these relate to amendment of bylaws, reciprocity and share draft reserves.

Also: That the Senate has on April 16, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2216, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2298, by Hultman and Junkins, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2302, by Hultman and Junkins, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Read first time and referred to committee on **education**.

Senate File 2303, by Hultman and Junkins, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

Read first time and referred to committee on **judiciary and law enforcement**.

IMMEDIATE MESSAGE
(House Files 2463 and 2477)

Pope of Polk asked and received unanimous consent to immediately message House Files 2463 and 2477 to the Senate.

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2488, a bill for an act relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years, with report of committee recommending passage was taken up for consideration.

Rapp of Black Hawk asked and received unanimous consent to withdraw amendment H—5886 filed by him on April 19, 1982.

Rapp of Black Hawk offered amendment H—5893 filed by him as follows:

H—5893

- 1 Amend House File 2488 as follows:
- 2 1. Page 1, by striking lines 1 through 16 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 422.12, Code 1981, is amended

5 by inserting after subsection 2 the following new
6 subsection:

7 **NEW SUBSECTION.** If the taxpayer operated a trade
8 or business and the number of employees of that trade
9 or business exceeded, at any time during the trade
10 or business's annual accounting period ending with
11 or during the taxpayer's tax year, the threshold
12 employee level for the annual accounting period, a
13 credit shall be granted equal to ten percent of the
14 wages paid to the most recent employees hired during
15 the accounting period who were domiciled in Iowa on
16 the date of their employment. However, the amount
17 of the credit".

18 . 2. Page 1, line 22, by inserting after the word
19 "state." the words "If, after the subtraction of all
20 other tax credits allowed in subsections 1 and 2,
21 the amount of the credit claimed by a taxpayer under
22 this subsection exceeds the tax liability of the
23 taxpayer, the excess shall be either a new employee
24 credit carryback to each of the three tax years
25 preceding the credit year or a new employee credit
26 carryover to each of the fifteen tax years following
27 the unused credit year and shall be added to the
28 amount allowed as a credit under this section for
29 those years. If part of the excess is a carryback
30 to a tax year beginning before January 1, 1982, this
31 section is deemed to have been in effect for that
32 tax year for the purpose of allowing the carryback
33 as a credit under this section."

34 3. Page 1, line 25, by inserting before the word
35 "employees" the word "Iowa-domiciled".

36 4. Page 2, by striking lines 21 through 24 and
37 inserting in lieu thereof the following:

38 "Sec. 2. Section 422.33, Code 1981, is amended
39 by adding the following new subsection:"

40 5. Page 2, line 27, by striking the words "subtract
41 fifty" and inserting in lieu thereof the words "a
42 credit shall be subtracted from the amount of tax
43 computed under the other provisions of this section
44 equal to ten".

45 6. Page 2, line 35, by inserting after the word
46 "state." the following: "If, after the subtraction
47 of all other tax credits allowed in subsections 1
48 and 2, the amount of the credit claimed by a taxpayer
49 under this subsection exceeds the tax liability of
50 the taxpayer, the excess shall be either a new employee

Page 2

1 credit carryback to each of the three tax years
2 preceding the credit year or a new employee credit

3 carryover to each of the fifteen tax years following
4 the unused credit year and shall be added to the
5 amount allowed as a credit under this section for
6 those years. If part of the excess is a carryback
7 to a tax year beginning before January 1, 1982, this
8 section is deemed to have been in effect for that
9 tax year for the purpose of allowing the carryback
10 as a credit under this section."
11 7. Page 3, line 2, by inserting before the word
12 "employees" the word "Iowa-domiciled".

Hummel of Benton rose on a point of order that amendment H—5893 was not germane.

The Speaker ruled the point well taken and amendment H—5893 not germane.

Rapp of Black-Hawk requested division of amendment H—5893 as follows:

Lines 2 through 33, page 1, division A.
Lines 34 and 35, page 1, division B.
Lines 36 through 50, page 1, division A.
Lines 1 through 10, page 2, division A.
Lines 11 and 12, page 2, division B.

Rapp of Black Hawk rose on a point of order that amendment H—5893B was not germane.

The Speaker ruled the point not well taken and amendment H—5893B germane.

Hummel of Benton offered the following amendment H—5896 filed by Hummel and Rapp and moved its adoption:

H—5896

1 Amend House File 2488 as follows:
2 1. Page 1, line 20, by inserting after the word
3 "exceeded." the words: "Also, the amount of the
4 deduction allowed for an accounting period shall not
5 exceed an amount equal to one-half of the amount by
6 which all wages paid during the accounting period
7 exceeded the amount of wages paid by the trade or
8 business during the highest of the previous three
9 annual accounting periods or during the highest one

10 of the previous annual accounting periods if the trade
 11 or business has been in operation for less than three
 12 years."

13 2. Page 1, line 32, by inserting after the word
 14 "applies." the following: " "Employee" also does not
 15 include an individual who is hired to replace another
 16 employee who has been terminated. The department
 17 may by rule establish the criteria for determining
 18 when an employee has been hired to replace a terminated
 19 employee."

20 3. Page 2, line 34, by inserting after the words
 21 "exceeded." the words "Also, the amount of the
 22 deduction allowed for an accounting period shall not
 23 exceed an amount equal to one-half of the amount by
 24 which all wages paid during the accounting period
 25 exceeded the amount of wages paid by the trade or
 26 business during the highest of the previous three
 27 annual accounting periods or during the highest one
 28 of the previous annual accounting periods if the trade
 29 or business has been in operation for less than three
 30 years."

31 4. Page 3, line 7, by inserting after the word
 32 "basis." the following: " "Employee" does not include
 33 an individual who is hired to replace another employee
 34 who has been terminated. The department may by rule
 35 establish the criteria for determining when an employee
 36 has been hired to replace a terminated employee."

Amendment H—5896 was adopted.

Rapp of Black Hawk called up for consideration amendment
 H—5893B and moved its adoption.

Roll call was requested by Danker of Pottawattamie and
 Hummel of Benton.

Rule 80 was invoked.

On the question "Shall amendment H—5893B be adopted?"

The ayes were, 52:

Anderson, R.
 Binneboese
 Carl
 Connolly
 Dieleman
 Groth
 Horn

Arnould
 Brandt
 Chiodo
 Connors
 Doderer
 Hall
 Howell

Avenson
 Bruner
 Cochran
 Copenhaver
 Fey
 Halvorson, R.N.
 Jay

Baxter
 Byerly
 Conlon
 Davitt
 Gettings
 Hanson, D.
 Jochum

Knapp	Lind	Lloyd-Jones	Loneragan
Mann	McKean	Norland	O'Kane
Oxley	Pavich	Pelton	Poncy
Rapp	Renaud	Rosenberg	Running
Spear	Sturgeon	Sullivan	Swartz
Trucano	Walter	Welsh	Woods

The nays were, 48:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Maulsby
Menke	Mullins	Pellett	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Tyrrell	Van Maanen	Welden	Mr. Speaker

Absent or not voting, none.

Amendment H—5893B was adopted.

Norland of Worth offered amendment H—5888 filed by him as follows:

H—5888

- 1 Amend House File 2488 as follows:
- 2 1. Page 3, by inserting after line 29 the
- 3 following:
- 4 "Sec. 3. Acts of the Sixty-ninth General Assembly,
- 5 1982 Session, House File 2171, section 20, unnumbered
- 6 paragraph 1, is amended to read as follows:
- 7 For property defined in section 427A.1, subsection
- 8 1, paragraphs e and j acquired or initially leased
- 9 after December 31, 1981, the taxpayer's valuation
- 10 shall be limited to thirty fifty percent of the net
- 11 acquisition cost of the property. For purposes of
- 12 this section, "net acquisition cost" means the acquired
- 13 cost of the property including all foundations and
- 14 installation cost less any excess cost adjustment."
- 15 2. Page 3, line 30, by striking the word "This
- 16 Act takes" and inserting in lieu thereof the words
- 17 and figures "Sections 1 and 2 of this Act take".
- 18 3. Page 3, by inserting after line 31 the following
- 19 new sections:

20 "Sec. 5. Section 3 of this Act is retroactive
21 to December 31, 1981 for property acquired or leased
22 after that date.

23 Sec. 6. This Act, being deemed of immediate
24 importance, shall take effect from and after its
25 publication in The Northwood Anchor, a newspaper
26 published in Northwood, Iowa, and in The Council
27 Bluffs Nonpareil, a newspaper published in Council
28 Bluffs, Iowa."

29 4. Amend the title, line 4, by inserting after
30 the word "years" the words "and relating to the
31 assessment of computers and machinery used in
32 manufacturing and making the Act retroactive, effective
33 upon publication."

Hummel of Benton rose on a point of order that amendment H-5888 was not germane.

The Speaker ruled the point well taken and amendment H-5888 not germane.

Hummel of Benton offered the following amendment H-5877 filed by him and moved its adoption:

H-5877

- 1 Amend House File 2488 as follows:
- 2 1. By striking page 3, lines 30 and 31, and
- 3 inserting in lieu thereof the following:
- 4 "Sec. 3. This Act is retroactive to January 1,
- 5 1982 for tax years beginning on or after January 1,
- 6 1982."

Amendment H-5877 was adopted.

Rapp of Black Hawk moved to suspend the rules to consider amendment H-5893A.

Roll call was requested by Welsh of Dubuque and Baxter of Des Moines.

On the question "Shall the rules be suspended to consider amendment H-5893A?"

The ayes were, 44:

Anderson, R.

Arnould

Baxter

Binneboese

Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R.N.	Horn	Howell	Jay
Jochum	Knapp	Lloyd-Jones	Loneragan
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 55:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shull	Smalley	Smith	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 1:

Avenson

The motion lost.

Speaker pro tempore Menke of O'Brien in the chair at 10:00 a.m.

Pelton of Clinton called up for consideration the motion to reconsider amendment H—5893B, filed by him from the floor and found on pages 1553 through 1555 of the House Journal and moved to reconsider the vote by which amendment H—5893B was adopted by the House.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 47, nays 51.

The motion lost.

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2488)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker (Menke)		

The nays were, 4:

Corey	Doderer	Johnson, W.	Welden
-------	---------	-------------	--------

Absent or not voting, 2:

Avenson	Binneboese
---------	------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:30 a.m., until the fall of the gavel.

The House resumed session at 11:10 a.m., Speaker pro tempore Menke of O'Brien in the chair.

Regular Calendar

Senate File 2300, a bill for an act relating to the regulation of financial institutions, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered the amendment H—5892 filed by the committee on commerce. Division was requested as follows:

H—5892

- 1 Amend Senate File 2300 as amended, passed, and
- 2 reprinted by the Senate as follows:

H—5892A

- 3 1. Page 1, by striking lines 1 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. Section 524.706, subsection 1,
- 6 paragraph a, Code 1981, is amended to read as follows:
- 7 a. An executive officer of a state bank may receive
- 8 loans or extensions of credit from a state bank of
- 9 which he the person is an executive officer, resulting
- 10 in obligations as defined in section 524.904,
- 11 subsection 1, not exceeding, in the aggregate:
- 12 (1) Such amount as the bank is permitted to lend
- 13 pursuant to section 524.905, subsection 2; if, at
- 14 the time such obligation is incurred, it is An amount
- 15 secured by a first lien on a dwelling which is
- 16 expected, after the obligation is incurred, to be
- 17 owned by the executive officer and used by him as
- 18 his the officer's residence, provided that at the
- 19 time after the loan is made there is not other loan
- 20 by the bank to the executive officer, under authority
- 21 of this subparagraph, outstanding ; and.
- 22 (2) An amount not exceeding an aggregate of twenty
- 23 thousand dollars outstanding at any one time, to
- 24 finance the education of a child or children of the
- 25 executive officer; and.
- 26 (3) Any other loans or extensions of credit which

27 in the aggregate do not at any one time exceed ten
28 thousand dollars.

29 (4) Other amount which do not, in the aggregate,
30 exceed the principal amounts of time certificates
31 of deposit in the bank which are held in the name
32 of the executive officer, if repayment of the loan
33 or credit amounts is at all times secured by pledge
34 of the certificates. An interest in or portion of
35 a time certificate of deposit does not satisfy the
36 requirements of this subparagraph if that interest
37 or portion is also pledged to secure the payment of
38 a debt or obligation of any person other than the
39 executive officer."

H—5892B

40 2. Page 2, by striking lines 6 through 9 and
41 inserting in lieu thereof the following: "a fiduciary
42 capacity with respect to these funds. A bank receiving
43 funds in escrow pursuant to an escrow agreement
44 executed on or after the effective date of this Act
45 in connection with a loan as defined in section 535.8,
46 subsection 1, shall pay interest to the borrower on
47 those funds, calculated on a daily basis, at the rate
48 the".

49 3. Page 2, line 11, by striking the words "such
50 an escrow account" and inserting in lieu thereof the

Page 2

1 words "an escrow account in connection with any loan
2 authorized by this section".

H—5892C

3 4. By striking page 2, line 16 through page 3,
4 line 17 and inserting in lieu thereof the following:
5 "Sec. 3. Section 524.1802, Code 1981, is amended
6 by adding the following new unnumbered paragraph:
7 **NEW UNNUMBERED PARAGRAPH.** No bank holding company
8 shall directly or indirectly acquire ownership or
9 control of more than twenty-five percent of the voting
10 shares of any savings and loan association, or the
11 power to control in any manner the election of a
12 majority of the directors of any savings and loan
13 association, if upon such acquisition the associations
14 so owned or controlled by the bank holding company
15 would have, in the aggregate, more than eight percent
16 of the total deposits, both time and demand, of all
17 associations in this state, as determined by the
18 superintendent on the basis of the most recent reports

19 of the associations in the state to their supervisory
20 authorities which are available at the time of the
21 acquisition."

H-5892B

22 5. Page 4, by striking lines 18 through 20 and
23 inserting in lieu thereof the following: "to these
24 funds. A credit union receiving funds in escrow
25 pursuant to an escrow agreement executed on or after
26 the effective date of this Act in connection with
27 a loan as defined in section 535.8, subsection 1,
28 shall pay interest to the borrower on those funds,
29 calculated on".

30 6. Page 4, line 23, by striking the words "such
31 an escrow account" and inserting in lieu thereof the
32 words "an escrow account in connection with any loan
33 authorized by this subsection".

H-5892A

34 7. Page 15, line 7, by striking the word "Voting"
35 and inserting in lieu thereof the word "VOTING".

36 8. Page 15, by striking lines 15 and 16 and
37 inserting in lieu thereof the words "shall, unless
38 otherwise specified in the proxy, continue in force
39 for eleven months from the date thereof, provided
40 that upon receipt of a written request for a new proxy
41 solicitation that is signed by at least two percent
42 of the members of the association, all proxies executed
43 prior to the date of receipt of the written request
44 shall be void upon the expiration of sixty days
45 following the date of receipt of the written request.
46 No proxies".

47 9. Page 19, by striking line 28 and inserting
48 in lieu thereof the words and figure "; (10) in capital
49 stock,".

50 10. Page 19, by striking line 31 and inserting

Page 3

1 in lieu thereof the following: "shall not exceed
2 five percent of the assets of the association at any
3 time prior to July 1, 1983, or six percent of assets
4 on or after July 1, 1983 and prior to July 1, 1984,
5 or seven percent of assets on or after July 1, 1984,
6 and prior to July 1, 1985, or eight percent of assets
7 on or after July 1, 1985 and prior to July 1, 1986,
8 or nine percent of assets on or after July 1, 1986
9 and prior to July 1, 1987, or ten percent of assets
10 at any time on or after July 1, 1987;".

11 11. Page 21, by inserting after line 25 the fol-
12 lowing:

13 "4. In addition to other conditions or
14 restrictions, an association that operates one or
15 more branch offices shall not make a commercial loan
16 or accept a commercial NOW account unless all of those
17 office locations are at places which a bank would
18 be authorized under section 524.1202 to apply for
19 and have approved as bank offices, provided that this
20 subsection does not require an association to close
21 any branch office that is in existence and operating
22 on the effective date of this Act as a condition of
23 making commercial loans or accepting commercial NOW
24 accounts and further provided that this subsection
25 does not prohibit an association from relocating a
26 branch office that is in existence and operating on
27 the effective date of this Act at a new location in
28 the same county as a condition of making commercial
29 loans or accepting commercial NOW accounts."

H-5892B

30 12. Page 27, by striking lines 13 through 16 and
31 inserting in lieu thereof the following: "a fiduciary
32 capacity with respect to these funds. An association
33 receiving funds pursuant to an escrow agreement
34 executed on or after the effective date of this Act
35 in connection with a loan as defined in section 535.8,
36 subsection 1, shall pay interest to the borrower on
37 those funds, calculated on a daily basis, at the rate
38 the".

39 13. Page 27, lines 18 and 19, by striking the
40 words "such an escrow account" and inserting in lieu
41 thereof the words "an escrow account in connection
42 with any real estate loan".

H-5892A

43 14. Page 28, by inserting after line 22 the follow
44 ing:

45 "The superintendent shall not approve an invest-
46 ment under this subsection if upon making the invest-
47 ment the entity making the investment directly or
48 indirectly would own or control more than twenty-five
49 percent of the voting shares of a savings and loan
50 association or would have the power to control in

Page 4

1 any manner the election of a majority of the directors
2 of a savings and loan association, unless the super-

3 intendent first determines either that the associa-
4 tion in which the investment is to be made has only
5 those office locations which a bank would be authorized
6 under section 524.1202 to apply for and have approved
7 on the effective date of the proposed investment,
8 or that all nonconforming office locations were in
9 existence and operating on the effective date of this
10 Act. If such an investment is approved by the
11 superintendent, the association so owned or controlled
12 shall not subsequently establish any additional office
13 locations except one which a bank would be authorized
14 under section 524.1202 to apply for and have approved
15 on the date which the proposed office location would
16 commence operations."

H-5892C

17 15. Page 29, by inserting after line 4 the fol-
18 lowing:
19 "4. No bank shall directly or indirectly acquire
20 ownership or control of more than twenty-five percent
21 of the voting shares of any savings and loan
22 association, or the power to control in any manner
23 the election of a majority of the directors of any
24 savings and loan association, if upon such acquisition
25 the associations so owned or controlled by the bank
26 would have, in the aggregate, more than eight percent
27 of the total deposits, both time and demand, of all
28 associations in this state, as determined by the
29 superintendent on the basis of the most recent reports
30 of the associations in the state to their supervisory
31 authorities which are available at the time of the
32 acquisition."

H-5892A

33 16. Page 33, by inserting after line 2 the
34 following:
35 "NEW SECTION. TEMPORARY MORATORIUM. An association
36 shall not be incorporated under this chapter as a
37 stock association prior to the expiration of three
38 years after the effective date of this Act, except
39 that a state or federal mutual association may be
40 converted to a state stock association under section
41 30 of this Act at any time on or after the effective
42 date of this Act."
43 17. Page 37, line 35, by striking the figure "28"
44 and inserting in lieu thereof the figure "31".
45 18. Page 41, line 21, by striking the figure "30"
46 and inserting in lieu thereof the figure "33".

H—5892B

47 19. Page 44, by striking lines 23 through 25 and
48 inserting in lieu thereof the following: "funds.
49 A company receiving funds in escrow pursuant to an
50 escrow agreement executed on or after the effective

Page 5

1 date of this Act in connection with a loan as defined
2 in section 535.8, subsection 1, shall pay interest
3 to the borrower on those funds, calculated on a daily
4 basis,".

5 20. Page 45, line 4, by striking the words "such
6 an escrow account" and inserting in lieu thereof the
7 words "an escrow account in connection with a loan
8 authorized by this section".

H—5892D

9 21. Page 47, by striking lines 1 through 32.

H—5892A

10 22. Page 47, by inserting after line 32 the fol-
11 lowing:
12 "Sec. . Section 537.1301, subsection 14,
13 paragraph b, subparagraph (2), Code 1981, as amended
14 by Acts of the Sixty-ninth General Assembly, 1981
15 Session, chapter 177, section 3, is amended to read
16 as follows:

17 (2) A debt which is incurred primarily for the
18 purpose of acquiring real property or refinancing
19 a contract for deed to real property and which is
20 secured by a first lien on that real property and
21 which is incurred primarily for the purpose of
22 acquiring that real property, or refinancing a contract
23 for deed to that real property, or constructing on
24 that real property a building containing one or more
25 dwelling units.

26 23. Page 48, lines 4 and 5, by striking the words
27 and figures "19, or 33" and inserting in lieu thereof
28 the word and figures "22, or 36".

29 24. Page 48, line 8, by striking the word and
30 figures "19, or 33" and inserting in lieu thereof
31 the word and figures "22, or 36".

H—5892C

32 25. By renumbering as necessary.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5901 filed by Schroeder, et al., from the floor for the consideration of amendment H—5907.

Schroeder of Pottawattamie offered the following amendment H—5907, to amendment H—5892A, filed by Schroeder, et al., from the floor and moved its adoption:

H—5907

- 1 Amend the Committee amendment, H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 3, by striking lines 21 through 29 and
- 5 inserting in lieu thereof the words "any office if
- 6 the total number of the association's offices does
- 7 not exceed the number of offices in existence and
- 8 operating on the effective date of this Act plus the
- 9 number of offices in existence and operating on the
- 10 effective date of this Act of any other state
- 11 association or federal association with which the
- 12 association merges on or after the effective date
- 13 of this Act. This subsection does not apply to an
- 14 association that makes only those commercial loans
- 15 and that accepts only those commercial NOW accounts
- 16 which the association could make or accept if it were
- 17 a federal association, subject to any provisions,
- 18 conditions or limitations relating to or imposed upon
- 19 federal associations in connection with the activity."

Amendment H—5907, to the committee amendment H—5892A, was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5892A, as amended.

The committee amendment H—5892A, as amended, was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to temporarily defer action on amendment H—5892B.

Schroeder of Pottawattamie called up for consideration the committee amendment H—5892C.

Schnekloth of Scott offered the following amendment H—5899, to amendment H—5892C, filed by him from the floor and moved its adoption:

H—5899

- 1 Amend the Committee amendment H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by striking lines 3 through 21 and
- 5 inserting in lieu thereof the following:
- 6 "4. By striking page 2, line 16 through page 3,
- 7 line 17."
- 8 2. Page 5, by inserting after line 31 the
- 9 following:
- 10 " . Page 48, line 10, by inserting after the
- 11 word "Sections" the number "524.1802,""

A non-record roll call was requested.

The ayes were 13, nays 78.

Amendment H—5899, to the committee amendment H—5892C, lost.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1982, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments.

Also: That the Senate has on April 20, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

Also: That the Senate has on April 20, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2484, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property tax.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2305, by committee on ways and means, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

Read first time and referred to committee on **ways and means**.

HOUSE CONCURRENT RESOLUTION 146

By Daggett, Dieleman, Clements, Danker, Maulsby, Tyrrell, Johnson of Howard, Renaud, De Groot, Branstad, Hansen of O'Brien, Mann and Cook

1 *Whereas*, the boards of directors of a number of
2 school districts have adopted policies on controversial
3 educational issues that require that their teachers
4 provide a fair presentation of the various views on
5 controversial issues and provide that students be
6 granted the right to study and voice opinions of these
7 issues; and
8 *Whereas*, a number of national educational associations
9 have recognized that throughout the United States, school
10 districts must address controversial issues; and
11 *Whereas*, the Department of Public Instruction has
12 adopted policy statements on some controversial issues;
13 and
14 *Whereas*, many parents throughout the state are concerned
15 about the manner in which their public schools are address-
16 ing these controversial issues; *Now Therefore*,
17 *Be It Resolved by the House of Representatives, the*
18 *Senate Concurring*, That the legislative council is urged
19 to establish a joint subcommittee composed of members of
20 both political parties of the House and Senate Committees
21 on Education to conduct a study of the manner in which
22 school districts are determining policy on controversial
23 educational issues, including but not limited to issues
24 relating to creation-evolution, sex education and family
25 living, multi-cultural nonsexist approach to learning,
26 and parental rights. The study shall include a survey
27 of the policies adopted by school districts in teaching
28 about controversial issues and providing resource materials
29 about these issues, policies of the Department of Public
30 Instruction about the teaching of controversial issues in

Page 2

1 the public schools, whether the policies of the Depart-
2 ment of Public Instruction allow local control, and whether

3 legislative changes are needed; and
4 *Be It Further Resolved*, That the joint subcommittee
5 shall make a report of its recommendations, accompanied
6 by legislative bill drafts to implement the recommendations,
7 to the legislative council and to the general assembly
8 meeting in 1983.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 147

By Lloyd-Jones

1 *Whereas*, the Sixty-ninth General Assembly has this
2 year given first passage to Senate Joint Resolution 13
3 which proposes an amendment to the Constitution of the
4 State of Iowa to repeal an archaic and obsolete provision
5 relating to schools; and
6 *Whereas*, there are other provisions of the Constitution
7 of the State of Iowa which may be archaic, obsolete or
8 superseded and which should be repealed; *Now Therefore*,
9 *Be It Resolved by the House of Representatives, the*
10 *Senate Concurring*, That the legislative council is requested
11 to establish an interim study during the 1982 legislative
12 interim to examine the Constitution of the State of Iowa
13 solely for the purpose of determining which of its
14 provisions are archaic, obsolete or superseded and should
15 be repealed and to prepare joint resolutions to carry out
16 its recommendations.

Laid over under Rule 30.

(Senate File 2300 and amendment H—5892C pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:02 p.m., until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

INTRODUCTION OF BILL

House File 2490, by Pope and Avenson, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposit laws to the funds of electric power agencies.

Read first time and referred to committee on commerce.

BUSINESS PENDING AT RECESS

Regular Calendar

The House resumed consideration of **Senate File 2300**, a bill for an act relating to the regulation of financial institutions, and amendment H—5892C found on pages 1562, 1563, 1565 and 1566 of the House Journal.

Carpenter of Polk offered the following amendment H—5902, to amendment H—5892C, filed by Carpenter, et al., from the floor and moved its adoption:

H—5902

- 1 Amend the Committee amendment, H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 2, by striking lines 3 through 21.
- 5 2. Page 4, line 26, by striking the word "eight"
- 6 and inserting in lieu thereof the word "nine".

Roll call was requested by Crabb of Crawford and Halvorson of Clayton.

On the question "Shall amendment H—5902 be adopted?"

The ayes were, 33:

Anderson, J.	Baxter	Brandt	Bruner
Byerly	Carpenter	Clark, B. J.	Clements
Connolly	Crabb	Danker	Dieleman
Hall	Halvorson, R. N.	Horn	Jay
Jochum	Johnson, W.	Krewson	Lloyd-Jones
O'Kane	Oxley	Pavich	Pellett
Pelton	Poncy	Rapp	Schneklath
Shull	Smalley	Sturgeon	Swartz
Welsh			

The nays were, 67:

Anderson, R.	Arnould	Avenson	Bennett
Binneboese	Branstad	Carl	Chiodo
Clark, J. H.	Cochran	Conlon	Connors
Cook	Copenhaver	Corey	Daggett
Davitt	De Groot	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Howell
Hummel	Johnson, J.	Johnson, R.	Knapp

Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Petrick	Poffenberger	Pope
Renaud	Renken	Ritsema	Rosenberg
Running	Schroeder	Smith	Spear
Stueland	Sullivan	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Weiden	Woods	Mr. Speaker	

Absent or not voting, none.

Amendment H—5902, to the committee amendment H—5892C, lost.

Rapp of Black Hawk offered the following amendment H—5908, to amendment H—5892C, filed by him from the floor and requested division as follows:

H—5908

- 1 Amend the Committee amendment H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate, as follows:

H—5908A

- 4 1. Page 2, by striking lines 3 through 21 and
- 5 inserting in lieu thereof the following:
- 6 " Page 2, line 29, by inserting after the
- 7 word "acquisition" the words ", provided that the
- 8 increase of from eight percent of total deposits to
- 9 nine percent of total deposits authorized by this
- 10 section does not apply with respect to any bank holding
- 11 company except on the condition that the bank holding
- 12 company undertakes in writing to comply with the
- 13 requirements of this section and subsequently files
- 14 with the superintendent of banking within sixty days
- 15 after the end of each accounting year of the bank
- 16 holding company a report disclosing the aggregate
- 17 amount of all outstanding loans as of the last day
- 18 of that accounting year of all banks owned or
- 19 controlled by the bank holding company, including
- 20 banks located outside of this state, and the portion
- 21 of that aggregate amount that constitutes loans to
- 22 individuals who were Iowa residents at the time the
- 23 loans were made and loans to other borrowers whose
- 24 sole or principal place of business or other activity
- 25 were in Iowa at the time the loans were made".

H—5908B

26 . Page 3, by striking lines 6 through 17 and
27 inserting in lieu thereof the words "the acquisition." "

Rapp of Black Hawk asked and received unanimous consent to withdraw amendment H—5908B.

Rapp of Black Hawk called up for consideration amendment H—5908A, to amendment H—5892C, and moved its adoption.

Amendment H—5908A, to the committee amendment H—5892C, lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5892C.

The committee amendment H—5892C was adopted.

Schroeder of Pottawattamie called up for consideration the committee amendment H—5892D.

Sturgeon of Woodbury offered the following amendment H—5900, to amendment H—5892D, filed by Sturgeon and Rapp from the floor and moved its adoption:

H—5900

- 1 Amend the Committee amendment, H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 5, by striking line 9 and inserting in
- 5 lieu thereof the following:
- 6 " . Page 47, by striking lines 14 through 17
- 7 and inserting in lieu thereof the words "does not
- 8 exceed the greater of four dollars or one percent
- 9 of the amount of the draft."

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H—5900 be adopted?"

The ayes were, 17:

Arnould

Brandt

Byerly

Connors

Crabb	Howell	Lloyd-Jones	O'Kane
Pavich	Rapp	Rosenberg	Running
Spear	Stueland	Sturgeon	Swartz
Walter			

The nays were, 80:

Anderson, J.	Anderson, R.	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Conlon
Connolly	Cook	Copenhaver	Corey
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Oxley
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Renaud	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Welsh	Woods	Mr. Speaker

Absent or not voting, 3:

Davitt	Krewson	Norland
--------	---------	---------

Amendment H—5900, to the committee amendment H—5892D, lost.

Bruner of Story offered the following amendment H—5904, to amendment H—5892D, filed by him from the floor and moved its adoption:

H—5904

- 1 Amend the Committee amendment H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 5, by striking line 9 and inserting in
- 5 lieu thereof the following:
- 6 " Page 47, by striking lines 9 through 32
- 7 and inserting in lieu thereof the following:
- 8 "2. If a payor financial institution imposes a

9 charge against account holders in the event the
 10 institution dishonors drafts drawn against the
 11 institution because of insufficient funds in the
 12 accounts against which the drafts are drawn, and if
 13 the amount of the charge imposed is in excess of the
 14 greater of the amount prescribed as the current minimum
 15 hourly wage by the Fair Labor Standards Act of 1938,
 16 29 U.S.C. sec. 206 (a) (1), or one percent of the amount
 17 of the draft, the financial institution shall file
 18 with the state officer or department by which the
 19 financial institution is regulated a report disclosing
 20 the revenues of the financial institution from charges
 21 for dishonored drafts and all costs incurred by the
 22 financial institution that are attributable to the
 23 processing of dishonored drafts. These reports shall
 24 be in the form and shall contain the information
 25 specified by the state officer or department by
 26 which the institution is regulated.

27 3. The superintendent of banking, the supervisor
 28 of savings and loan associations, and the credit
 29 union administrator shall review all reports submitted
 30 under subsection 2. Each shall report to the
 31 general assembly in January of 1983 a compilation of
 32 the information received from financial institutions
 33 under subsection 2 and any recommendations respecting
 34 the need for legislation regulating the amounts or
 35 conditions of dishonored draft charges." "

Roll call was requested by Welsh of Dubuque and Connolly of Dubuque.

On the question "Shall amendment H—5904 be adopted?"

The ayes were, 26:

Arnould	Baxter	Bruner	Carl
Connolly	Doderer	Egenes	Fey
Groth	Horn	Howell	Jochum
Knapp	Krewson	Lloyd-Jones	Loneragan
Norland	O'Kane	Pavich	Rapp
Rosenberg	Running	Spear	Swartz
Walter	Welsh		

The nays were, 71:

Anderson, J.	Avenson	Bennett	Binneboese
Branstad	Byerly	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connors	Cook	Copenhaver
Corey	Crabb	Daggett	Danker

Davitt	De Groot	Dieleman	Diemer
Gettings	Gross	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Hoffmann-Bright
Holt	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Oxley	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Renken	Ritsema	Schneklath
Schroeder	Shull	Smalley	Smith
Stueland	Sturgeon	Sullivan	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Woods	Mr. Speaker	

Absent or not voting, 3:

Anderson, R. Brandt Harbor

Amendment H—5904, to the committee amendment H—5892D, lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5892D.

The committee amendment H—5892D was adopted.

Sturgeon of Woodbury asked and received unanimous consent to withdraw amendment H—5903 filed by him from the floor.

Schroeder of Pottawattamie called up for consideration amendment H—5892B.

Mann of Greene offered the following amendment H—5911, to amendment H—5892B, filed by Mann and Hanson of Delaware from the floor and moved its adoption:

H—5911

- 1 Amend the Committee amendment H—5892 to Senate
- 2 File 2300 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking lines 40 through 48 and
- 5 inserting in lieu thereof the following:
- 6 " . Page 2, by striking lines 6 through 10 and
- 7 inserting in lieu thereof the words "a fiduciary
- 8 capacity with respect to these funds." "
- 9 2. Page 2, by striking lines 22 through 29 and
- 10 inserting in lieu thereof the following:
- 11 " . Page 4, by striking lines 18 through 22
- 12 and inserting in lieu thereof the words "to these
- 13 funds. A credit union which maintains".

- 14 3. Page 3, by striking lines 30 through 38 and
15 inserting in lieu thereof the following:
16 " . Page 27, by striking lines 13 through 17
17 and inserting in lieu thereof the words and figures
18 "a fiduciary capacity with respect to these funds."
19 . Page 27, line 18, by striking the words
20 "savings accounts." "
21 4. By striking page 4, line 47 through page 5,
22 line 4 and inserting in lieu thereof the following:
23 " . By striking page 44, line 23 through page
24 45, line 3 and inserting in lieu thereof the words
25 "funds. A company which".

A non-record roll call was requested.

The ayes were 21, nays 68.

Amendment H—5911, to the committee amendment H—5892B,
lost.

Schroeder of Pottawattamie moved the adoption of amendment
H—5892B.

The committee amendment H—5892B was adopted.

Ritsema of Sioux asked and received unanimous consent to
withdraw amendment H—5895 filed by him on April 19, 1982.

Speaker pro tempore Menke of O'Brien in the chair at 3:42 p.m.

Anderson of Jasper offered amendment H—5898 filed by Ander-
son of Jasper and Chiodo from the floor as follows:

H—5898

- 1 Amend Senate File 2300 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Sec. . Chapter 323, Code 1981, is amended
6 by adding the following new section:
7 **NEW SECTION. INTEREST ON SECURITY DEPOSIT. If**
8 **a dealer franchise requires the dealer to deposit**
9 **money with the franchiser or distributor as security**
10 **for the performance of obligations of the dealer under**
11 **the franchise, the franchiser or distributor shall**
12 **pay interest to the dealer on the amount subsequently**

- 13 returned to the dealer for the period of time during
 14 which the franchiser or distributor had custody of
 15 the money at the rate specified in section 535.3 for
 16 judgments other than those based upon a written
 17 contract, as that section exists as of the date of
 18 execution of the franchise."
 19 2. By renumbering sections and correcting internal
 20 references as necessary.

Schroeder of Pottawattamie rose on a point of order that amendment H—5898 was not germane.

The Speaker ruled the point well taken and amendment H—5898 not germane.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—5905 filed by her from the floor.

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2300)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smith	Spear	Stromer	Stueland
Sturgeon	Swartz	Tofte	Trucano

Tyrrell
Welsh

Van Maanen
Woods

Walter
Mr. Speaker
(Menke)

Welden

The nays were, 4:

Mann

Renken

Sullivan

Swearingen

Absent or not voting, 1:

Smalley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER PREVAILED
(Amendment H—5796 to House File 2111)

Chiodo of Polk called up for consideration the motion to reconsider the Senate amendment H—5796, to House File 2111, filed on April 15, 1982, and moved to reconsider the vote by which the House refused to concur in the Senate amendment H—5796, found on page 1467 of the House Journal, on April 14, 1982.

The motion prevailed and the House reconsidered the Senate amendment H—5796.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—5890, to the Senate amendment H—5796, filed by him on April 19, 1982.

Corey of Louisa moved that the House concur in the Senate amendment H—5796.

The motion prevailed and the House concurred in the Senate amendment H—5796.

Corey of Louisa 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. 2111)

The ayes were, 100:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2309 WITHDRAWN

Poffenberger of Dallas asked and received unanimous consent to withdraw House File 2309 from further consideration by the House.

SENATE AMENDMENTS CONSIDERED

The House resumed consideration of **House File 2439**, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, amended by the Senate amendment H-5800, found on page 1545 and amendment H-5889, to the Senate amendment H-5800 found on page 1546 of the House Journal.

Schroeder of Pottawattamie moved the adoption of amendment H-5889.

Speaker Stromer in the chair at 4:15 p.m.

A non-record roll call was requested.

The ayes were 24, nays 69.

Amendment H—5889, to the Senate amendment H—5800, lost.

HOUSE FILE 2439 TEMPORARILY DEFERRED

Pope of Polk asked and received unanimous consent to temporarily defer action on House File 2439.

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent to suspend the rules to place the following bills on the Daily Debate Calendar for Wednesday, April 21, 1982: Senate File 2297 and House Files 2485 and 2489.

HOUSE INSISTS

Swearingen of Keokuk called up for consideration **Senate File 2178**, a bill for an act relating to the administration and benefits of public retirement systems, and moved that the House insist on its amendment.

The motion prevailed and the House insisted on its amendment.

CONFERENCE COMMITTEE APPOINTED

(Senate File 2178)

The Speaker announced the appointment of the conference committee to consider the differences between the House and the Senate concerning Senate File 2178: Swearingen of Keokuk, Chair; Tofte of Winneshiek, Carpenter of Polk, Dieleman of Marion, and Brandt of Black Hawk.

Bennett of Ida called up for consideration **Senate File 2218**, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction

of certain proceedings and assessments, and moved that the House insist on its amendment.

The motion prevailed and the House insisted on its amendment.

CONFERENCE COMMITTEE APPOINTED (Senate File 2218)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2218: Bennett of Ida, Chair; Pelton of Clinton, Pellett of Cass, Cochran of Webster and Lloyd-Jones of Johnson.

HOUSE REFUSES TO CONCUR

The House resumed consideration of **House File 2439**, a bill for an act removing the exemption for auctioneers from the license requirements for real estate brokers and salespersons, amended by the Senate amendment H—5800, found on page 1545 of the House Journal.

The following amendments were withdrawn by unanimous consent by Schroeder of Pottawattamie:

- H—5809 filed on April 8, 1982.
- H—5811 filed on April 12, 1982.
- H—5812 filed on April 12, 1982.
- H—5813 filed on April 12, 1982.
- H—5824 filed on April 13, 1982.
- H—5843 filed on April 14, 1982.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—5835 filed by Hummel, et al., on April 13, 1982.

Smith of Scott moved that the House concur in the Senate amendment H—5800.

The motion lost and the House refused to concur in the Senate amendment H—5800.

HOUSE FILE 122 WITHDRAWN

Mullins of Kossuth asked and received unanimous consent to withdraw House File 122 from further consideration by the House.

HOUSE CONCURS

Clark of Lee called up for consideration **House File 2218**, a bill for an act relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5840

1 Amend House File 2218 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, line 22, by striking the word "February"
4 and inserting in lieu thereof the word "March".

5 2. Page 1, line 32, by striking the word "February"
6 and inserting in lieu thereof the word "March".

7 3. Page 2, line 5, by striking the word "February"
8 and inserting in lieu thereof the word "March".

9 4. Page 2, line 30, by striking the words "state
10 department of health" and inserting in lieu thereof
11 the words "insurance department".

12 5. Page 3, line 21, by inserting after the word
13 "these" the words ", pursuant to a prearranged funeral
14 plan".

15 6. Page 3, by striking line 30 and inserting in
16 lieu thereof the words "perpetual care or maintenance."

17 7. Page 3, line 34, by inserting after the word
18 "caskets," the word "vaults,".

19 8. Page 4, by striking lines 1 through 3 and
20 inserting in lieu thereof the words "include grave
21 markers, tombstones, ornamental merchandise, and
22 monuments."

23 9. Page 4, by striking lines 6 through 20 and
24 inserting in lieu thereof the following:

25 "NEW SECTION. COMPLIANCE WITH OTHER LAWS. The
26 seller of funeral services or funeral merchandise
27 shall comply with chapter 82 with respect to all
28 contracts that are subject to regulation under this
29 chapter. A failure to comply is subject to the
30 remedies and penalties provided in that chapter.

31 Sec. . Chapter 523A, Code 1981, is amended
32 by adding the following new section:

33 NEW SECTION. BOND IN LIEU OF TRUST FUND.

34 1. In lieu of the trust fund required by sections
35 523A.1 and 523A.2, a seller may file with the county
36 attorney of the county in which the seller maintains
37 its principal place of business a surety bond in open
38 penalty that is issued by a surety company authorized
39 to do business in this state and that is conditioned

40 on the faithful performance by the seller of agreements
41 subject to this chapter. The liability of the surety
42 extends to each agreement that is subject to this
43 chapter and that is executed during the time the bond
44 is in force and until performance of the agreement
45 or rescission of the agreement by mutual consent of
46 the parties; and, to the extent expressly agreed to
47 in writing by the surety company under subsection
48 3, paragraph b, the liability of the surety extends
49 to each agreement that is subject to this chapter
50 and that was executed prior to the time the bond was

Page 2

1 in force and until performance of the agreement or
2 rescission of the agreement by mutual consent of the
3 parties. A buyer who is aggrieved by a breach of
4 a condition of the bond covering the contract of that
5 buyer may maintain an action against the bond, provided
6 that the surety shall not be liable as a result of
7 any breach of condition unless notice of a claim is
8 received by the surety within sixty days following
9 the acts, omissions or conditions constituting the
10 breach of condition; except as otherwise provided
11 in subsection 2. A surety bond submitted under this
12 subsection shall not be canceled by a surety company
13 except upon a written notice of cancellation given
14 by the surety company to the county attorney by
15 restricted certified mail, and the surety bond shall
16 not be canceled prior to the expiration of sixty days
17 after the receipt by the county attorney of the notice
18 of cancellation.

19 2. If a seller becomes insolvent or otherwise
20 ceases to engage in business prior to or within sixty
21 days after the cancellation of a bond submitted under
22 subsection 1, the seller shall be deemed to have
23 breached the conditions of the surety bond with respect
24 to all outstanding contracts subject to this chapter
25 as of the day prior to cancellation of the bond.
26 The county attorney shall mail written notice by
27 restricted certified mail to the buyer under each
28 outstanding contract of the seller that a claim against
29 the bond must be filed with the surety company within
30 sixty days after the date of mailing of the notice.
31 The surety company shall cease to be liable with
32 respect to all agreements except those for which
33 claims are filed with the surety company within sixty
34 days after the date the notices are mailed by the
35 county attorney.

36 3. If a surety bond is canceled by a surety company
37 under any conditions other than those specified in

38 subsection 2, the seller shall comply with paragraphs
39 a and b of this subsection:

40 a. The seller shall comply with the trust
41 requirements of sections 523A.1 and 523A.2 with respect
42 to all contracts subject to this chapter that are
43 executed on or after the effective date of cancellation
44 of the surety bond, or the seller may submit a
45 substitute surety bond meeting the requirements of
46 subsection 1, provided that the seller shall comply
47 with sections 523A.1 and 523A.2 with respect to any
48 contracts executed on or after the effective date
49 of cancellation of the earlier surety bond and prior
50 to the date on which the later surety bond takes

Page 3

1 effect.

2 b. Within sixty days after the effective date
3 of the cancellation of the surety bond, the seller
4 shall submit to the county attorney an undertaking
5 by another surety company that a substitute surety
6 bond meeting the requirements of subsection 1 is in
7 effect and that the liability of the substitute surety
8 bond extends to all outstanding contracts of the
9 seller that were executed but not performed or
10 extinguished prior to the effective date of the
11 substitute surety bond, or the seller shall submit
12 to the county attorney a financial statement
13 accompanied by an unqualified opinion based upon an
14 audit performed by a certified public accountant
15 licensed in this state certifying the total amount
16 of outstanding liabilities of the seller on contracts
17 subject to this chapter and proof of deposit by the
18 seller in trust under sections 523A.1 and 523A.2 of
19 either the amount specified in sections 523A.1 with
20 respect to all of those outstanding contracts or such
21 lesser amount as is certified in the report of the
22 certified public accountant to be adequate to assure
23 the performance by the seller of each of those
24 outstanding contracts. Upon compliance by the seller
25 with this paragraph, the surety company canceling
26 the surety bond shall cease to be liable with respect
27 to any outstanding contracts of the seller except
28 those with respect to which a breach of condition
29 occurred prior to cancellation and timely claims were
30 filed.

31 4. Section 523A.2, subsection 1, paragraphs b
32 and f, subsection 5, and, to the extent it is
33 applicable, subsection 6, apply to sellers whose
34 agreements are covered by a surety bond maintained
35 under this section, and section 523A.2 continues to

36 apply to any agreements of those sellers that are
 37 not covered by a surety bond maintained under this
 38 section.

39 5. Upon receiving a notice of cancellation of
 40 a surety bond, the county attorney shall notify the
 41 seller of the requirements of this chapter resulting
 42 from cancellation of the bond. The notice may be
 43 in the form of a copy of this section and sections
 44 523A.1 and 523A.2.

45 6. Upon receiving a notice of cancellation, unless
 46 the seller has complied with the requirements of this
 47 section, the county attorney shall seek an injunction
 48 to prohibit the seller from making further agreements
 49 subject to this chapter and shall commence an action
 50 to attach and levy execution upon property of the

Page 4

1 seller when the seller fails to perform an agreement
 2 subject to this chapter, to the extent necessary to
 3 secure compliance with this chapter, and may bring
 4 criminal charges under section 523A.2, subsection
 5 6.

6 Sec. . Section 82.1, Code 1981, is amended
 7 by adding the following new subsection:

8 NEW SUBSECTION. "Door-to-door sale" also means
 9 a sale of funeral services or funeral merchandise
 10 regulated under chapter 523A, irrespective of the
 11 place or manner of sale."

The motion prevailed and the House concurred in the Senate amendment H—5840.

Clark of Lee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2218)

The ayes were, 99:

Anderson, J.
 Baxter
 Branstad
 Chiodo
 Cochran
 Cook
 Daggett
 Dieleman
 Fey

Anderson, R.
 Bennett
 Bruner
 Clark, B. J.
 Conlon
 Copenhaver
 Danker
 Diemer
 Gettings

Arnould
 Binneboese
 Byerly
 Clark, J. H.
 Connolly
 Corey
 Davitt
 Doderer
 Gross

Avenson
 Brandt
 Carl
 Clements
 Connors
 Crabb
 De Groot
 Egenes
 Groth

Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Carpenter

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2351, a bill for an act relating to property tax by providing for exemptions for wetlands and increasing the amount of acres to be exempted for certain organizations.

K. MARIE THAYER, Secretary

MOTIONS TO RECONSIDER (Senate File 2300)

I move to reconsider the vote by which Senate File 2300 passed the House on April 20, 1982.

SCHROEDER of Pottawattamie

(Senate File 2300)

I move to reconsider the vote by which Senate File 2300 passed the House on April 20, 1982.

CHIODO of Polk

(House File 2488)

I move to reconsider the vote by which House File 2488 passed the House on April 20, 1982.

HUMMEL of Benton

(House File 2488)

I move to reconsider the vote by which House File 2488 passed the House on April 20, 1982.

SCHNEKLOTH of Scott

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 2378, an act relating to the role of soil conservation district commissioners in the development and implementation of the conservancy district plan.

House File 2379, an act to provide for the interest and earnings of the state fish and game protection fund.

House File 2380, an act relating to insolvent insurers.

House File 2382, an act relating to the identification of the location of wells.

House File 2385, an act relating to the confidentiality of the application, affidavits and order for a nontestimonial identification.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following

bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of April, 1982: House Files 2387, 2388, 2427, 2429 and 2441.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM SECRETARY OF STATE

April 20, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that House File 2377 was published in the Grinnell Herald-Register, Grinnell, Iowa on April 15, 1982 and in the Cherokee Daily Times, Cherokee, Iowa on April 15, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday morning, April 19, 1982. Had I been present, I would have voted "aye" on House File 2477.

DIELEMAN of Marion

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House, the Honorable William Darrington, former member of the House representing Harrison County.

Lageschulte of Bremer presented to the House, Foreign Exchange Student Tiina Saukkonen of Finland. She is staying with the Ercil McWilliams family of Dumont, Iowa.

The Speaker announced that the following visitors were present in the House chamber:

Four sixth grade Talented and Gifted students from East Greene Community School, Rippey, accompanied by Marilyn Bartelt. By Lonergan of Boone.

Thirty eleventh and twelfth grade students from Norwalk Senior High School, Norwalk, accompanied by Jerry McNeely. By Davitt of Warren.

Eighteen eighth grade students from Amos Hiatt Junior High School, Des Moines, accompanied by Jane Hildenbrand and Joyce Smith. By Connors, Byerly and Trucano of Polk.

Forty-five eighth grade students from West Central Junior-Senior High School, Maynard, accompanied by Ron Miller and Ron Reusche. By Avenson of Fayette.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

House File 2487, a bill for an act to impose a moratorium on the implementation or enforcement of certain rules relating to the acts which may be performed by registered nurses or licensed practical nurses.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2489, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land.

Fiscal Note is not required.

Recommended **Do Pass.**

COMMITTEE ON TRANSPORTATION

House File 2485, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 2191, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2288, a bill for an act relating to the prepayment of premium taxes by insurance companies.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

Fiscal Note is required.

Recommended Do Pass.

Senate File 2293, a bill for an act relating to the apportionment of business income for corporate income tax purposes.

Fiscal Note is not required.

Recommended Do Pass.

Senate File 2297, a bill for an act providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5897	S.F. 2216	Senate Amendment
H-5906	H.F. 2484	Senate Amendment
H-5909	H.F. 2339	Doderer of Johnson
H-5910	H.F. 2366	Johnson of Howard
		Connolly of Dubuque
		Pavich of Pottawattamie
		McKean of Jones
H-5912	H.F. 2485	Lind of Black Hawk
H-5913	H.F. 2351	Senate Amendment
H-5914	H.F. 2339	Conlon of Muscatine
H-5915	H.F. 2485	Spear of Lee

On motion by Pope of Polk, the House adjourned at 4:38 p.m., until 9:00 a.m., Wednesday, April 21, 1982.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day—Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 21, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by Father John W. Dalton of St. Patrick's Catholic Church, Cedar Rapids.

The Journal of Tuesday, April 20, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson on request of Carl of Poweshiek; Smalley of Polk, for a portion of the morning, on request of Diemer of Black Hawk.

HOUSE FILES 647 AND 2076 WITHDRAWN

Mullins of Kossuth asked and received unanimous consent to withdraw House Files 647 and 2076 from further consideration by the House.

HOUSE FILES 2055, 2172, 2302 AND 2122 WITHDRAWN

Pellett of Cass asked and received unanimous consent to withdraw House Files 2055, 2172, 2302 and 2122 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 135, petitioning the President of the United States to limit the nuclear arms race.

Also: That the Senate has on April 19, 1982, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 828, a bill for an act to redefine the duties of the state historical department, to provide for the appointment of an executive director and a state historical board.

Also: That the Senate has on April 19, 1982, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government.

Also: That the Senate has on April 19, 1982, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2357, a bill for an act to establish an Iowa advisory commission on intergovernmental relations.

Also: That the Senate has on April 19, 1982, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act relating to the establishment of a soil conservation loan program by the Iowa family farm development authority.

Also: That the Senate has on April 19, 1982, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2442, a bill for an act relating to custody of children upon dissolution of marriage.

Also: That the Senate has on April 19, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2478, a bill for an act relating to the issuance of bonds payable from the hotel and motel tax.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 387, a bill for an act to increase the maximum allowable value of merchandise prizes in a raffle conducted by a fair or qualified organization.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 464, a bill for an act creating the criminal justice planning agency and the criminal justice coordinating council, prescribing powers and duties, transferring existing programs, and abolishing the Iowa crime commission.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 549, a bill for an act relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2190, a bill for an act providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2204, a bill for an act relating to the compensation of shorthand reporters who are employed on an emergency basis.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2212, a bill for an act authorizing the measurement of consumer sales of special fuel by use of a temperature compensated meter.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2213, a bill for an act to allow a county board of supervisors to merge benefited water districts into a single district.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2215, a bill for an act to provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement.

Also: That the Senate has on April 19, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2221, a bill for an act relating to the regulation of agricultural and vegetable seed.

Also: That the Senate has on April 19, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2245, a bill for an act extending the operation of the department of substance abuse and striking the exemption of a program receiving state dollars from inspections by the department.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2253, a bill for an act relating to the Iowa housing finance authority, effective upon publication.

Also: That the Senate has on April 19, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2286, a bill for an act relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds.

Also: That the members of the conference committee on Senate File 2178, a bill for an Act relating to the administration and benefits of public retirement systems, on the part of the Senate, appointed April 20, 1982, are: The Senator from Boone, Senator Nystrom, Chair; the Senator from Dubuque, Senator Carr; the Senator from Jefferson, Senator Schwengels; the Senator from Pottawattamie, Senator Slater; and the Senator from Clayton, Senator Tieden.

Also: That the members of the conference committee on Senate File 2218, a bill for an Act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments, on the part of the Senate, appointed April 20, 1982, are: The Senator from Clayton, Senator Tieden, Chair; the Senator from Jefferson, Senator Schwengels; the Senator from Pottawattamie, Senator Slater; the Senator from Mahaska, Senator Van Gilst; and the Senator from Buena Vista, Senator Waldstein.

K. MARIE THAYER, Secretary

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Stromer invited the House Pages to the front of the rostrum for a special presentation. The Speaker thanked all of them for their service and dedication to the House of Representatives and presented to the following a Certificate of Excellence for serving

with honor and distinction as a House Page during the Second Regular Session:

Karen Beattie
Amy Christensen
Trent Crabtree
Tammy Crews
Deena Dircks
Laura Elwood
Bob Galle
Larry Grisolano
Greg Kress
Rhonda Kilburg

Chuck Loeffelholz
Deborah Marlin
Amy Mathre
Laura Nowack
David Schoon
Kelly Sebastian
Linda Stille
Christina Tasler
Barbara Voss
Steven Weber
Joe Weis

UNANIMOUS CONSENT

Pope of Polk asked and received unanimous consent that Senate File 2292 be added to the Daily Debate Calendar for Thursday, April 22, 1982.

CONSIDERATION OF BILLS Regular Calendar

House File 2486, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date, with report of committee recommending passage was taken up for consideration.

Diemer of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2486)

The ayes were, 90:

Anderson, J.
Baxter
Branstad
Carpenter
Cochran
Copenhaver

Anderson, R.
Bennett
Bruner
Chiodo
Conlon
Corey

Arnould
Binneboese
Byerly
Clark, B. J.
Connolly
Crabb

Avenson
Brandt
Carl
Clark, J. H.
Connors
Daggett

Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Renaud	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 5:

Clements	Cook	Johnson, J.	Maulsby
Renken			

Absent or not voting, 5:

Gross	Lloyd-Jones	Rapp	Ritsema
Smalley			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2486)

Diemer of Black Hawk asked and received unanimous consent to immediately message House File 2486 to the Senate.

Ways and Means Calendar

Senate File 2297, a bill for an act providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit, with report of committee recommending passage was taken up for consideration.

Maulsby of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2297)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petric	Poffenberger	Poncy
Pope	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Lloyd-Jones	Rapp	Smalley	Welden
-------------	------	---------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULE 78.C SUSPENDED

Pope of Polk moved to suspend House Rule 78.C, first sentence, providing that a motion to reconsider shall be taken up when made, for the duration of the second session.

A non-record roll call was requested.

The ayes were 55, nays 42.

The motion prevailed and House Rule 78.C, first sentence, was suspended.

Regular Calendar

House File 2485, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings, with report of committee recommending passage was taken up for consideration.

Lind of Black Hawk offered amendment H—5912 filed by him as follows:

H—5912

1 Amend House File 2485, as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 321.207, Code 1981

5 Supplement, is amended to read as follows:

6 321.207 RECORD FORWARDED. Every court having
7 jurisdiction over offenses committed under this
8 chapter, or any other law of this state or any city
9 or county traffic ordinances, other than parking
10 regulations, regulating the operation of motor
11 vehicles on highways, shall forward to the
12 department a record of the conviction of any person
13 in the court for a violation of any said of those
14 laws, and may recommend the suspension of the
15 operator's or chauffeur's license of the person
16 convicted, and the department shall consider and
17 act upon the recommendation. However, a record of
18 conviction for a scheduled excessive speed
19 violation of ten miles per hour or less over the
20 posted speed limit shall not be forwarded to the
21 department nor result in a license suspension or
22 revocation."

23 2. Title page, by striking lines 1 through

24 5 and inserting in lieu thereof the following: "An

25 Act relating to the operation of motor vehicles."

Danker of Pottawattamie rose on a point of order that amendment H—5912 was not germane.

The Speaker ruled the point well taken and amendment H—5912 not germane.

Groth of Buena Vista offered amendment H—5918 filed by him from the floor as follows:

H—5918

- 1 Amend House File 2485 as follows:
- 2 1. Page 1, line 5, by striking the word
- 3 "designated".
- 4 2. Page 1, by striking lines 6 through 8 and
- 5 inserting in lieu thereof the following: "where the
- 6 signs required to be posted under section 321G.2 have
- 7 been removed. If the railroad corporation has
- 8 abandoned the rail line, the appropriate highway
- 9 authority shall give the railroad corporation thirty
- 10 days notice, in writing, to remove the signs. If
- 11 the signs are not removed by the railroad corporation,
- 12 the appropriate highway authority shall remove the
- 13 signs."

HOUSE FILE 2485 TEMPORARILY DEFERRED

House File 2485 and amendment H—5918 were temporarily deferred.

House File 2489, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2489)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall

Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, 1:

Hanson, D.

Absent or not voting, 5:

Connolly	Doderer	Harbor	Lloyd-Jones
Smalley			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2489)

Holt of Clay asked and received unanimous consent to immediately message House File 2489 to the Senate.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2435, a bill for an act relating to shooting ranges.

Also: That the Senate has on April 21, 1982, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2460, a bill for an act to amend the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel.

Also: That the Senate has, on April 21, 1982, insisted on its amendment to House File 2463, a bill for an Act to consolidate the regulation and management of water resources by creating the Iowa water council, and the members of the conference committee on the part of the Senate are: The Senator from Jefferson, Senator Schwengels, Chair; the Senator from Clinton, Senator Goodwin; the Senator from Black Hawk, Senator Gallagher; the Senator from Dallas, Senator Rodgers; and the Senator from Clayton, Senator Tieden.

K. MARIE THAYER, Secretary

The House resumed session at 10:58 a.m., Speaker pro tempore Menke of O'Brien in the chair.

HOUSE RULE 61 SUSPENDED

Halvorson of Clayton asked and received unanimous consent to suspend House Rule 61 for a committee on appropriations meeting.

The House resumed consideration of **House File 2485**, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings, and amendment H—5918 found on page 1601 of the House Journal.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5918 filed by him from the floor.

Groth of Buena Vista offered amendment H—5922 filed by him from the floor as follows:

H—5922

- 1 Amend House File 2485 as follows:
- 2 1. Page 1, line 5, by striking the word
- 3 "designated".
- 4 2. Page 1, by striking lines 6 through 8 and
- 5 inserting in lieu thereof the following: "where the
- 6 signs required to be posted under section 321G.2 have
- 7 been removed and the tracks have been partially removed
- 8 on either side of the roadway. If the railroad
- 9 corporation has abandoned the rail line, the
- 10 appropriate highway authority shall give the railroad

- 11 corporation thirty days notice, in writing, to remove
- 12 the signs. If the signs are not removed by the
- 13 railroad corporation, the appropriate highway authority
- 14 shall remove the signs."

The following amendment H—5924, to amendment H—5922, filed by Groth of Buena Vista from the floor was adopted by unanimous consent:

H—5924

- 1 Amend amendment H—5922, to House File 2485, as
- 2 follows:
- 3 1. Page 1, line 6, by striking the figures
- 4 "321G.2" and inserting in lieu thereof the following:
- 5 "327G.2".

Groth of Buena Vista moved the adoption of amendment H—5922, as amended.

A non-record roll call was requested.

The ayes were 31, nays 58.

Amendment H—5922, as amended, lost.

Groth of Buena Vista rose on a point of order invoking Joint Rule 16, pertaining to Fiscal Notes, on House File 2485.

Groth of Buena Vista asked and received unanimous consent to withdraw the point of order raised.

Spear of Lee offered the following amendment H—5915, filed by him and requested division as follows:

H—5915

- 1 Amend House File 2485, as follows:

H—5915A

- 2 1. Page 1, line 7, by striking the words
- 3 "either side" and inserting in lieu thereof the
- 4 words "both sides".

H—5915B

- 5 2. Page 1, line 8, by inserting after the

- 6 word "roadway" the following: "or where the tracks
7 have been covered with a layer of asphalt or other
8 road building material".

Spear of Lee moved the adoption of amendment H—5915A.

A non-record roll call was requested.

The ayes were 28, nays 58.

Amendment H—5915A lost.

Spear of Lee called up for consideration amendment H—5915B,
and moved its adoption.

Amendment H—5915B lost.

Gettings of Wapello offered the following amendment H—5923,
filed by him from the floor and moved its adoption:

H—5923

- 1 Amend House File 2485 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "roadway" the words "and totally removed from the
4 roadway".
5 2. Page 1, line 8, by inserting after the period
6 the words "If the railroad corporation fails to remove
7 the tracks from the roadway within ninety days after
8 abandonment, the highway authority having control
9 of the roadway shall remove the tracks and repair
10 the surface of the highway and file a statement of
11 costs for reimbursement with the railroad corporation
12 to recover the costs actually incurred in removing
13 tracks from the roadway and repair the surface of
14 the highway."

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 46, nays 47.

Amendment H—5923 lost.

Danker of Pottawattamie moved that the bill be read a last time

now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2485)

The ayes were, 91:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lonergan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Rosenberg
Schneklath	Schroeder	Shull	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, 3:

Groth	Lind	Walter
-------	------	--------

Absent or not voting, 6:

Anderson, R.	Egenes	Lloyd-Jones	Pope
Running	Smalley		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 2485)

Halvorson of Clayton asked and received unanimous consent to immediately message House File 2485 to the Senate.

HOUSE RULE 61 SUSPENDED

Conlon of Muscatine asked and received unanimous consent to suspend House Rule 61 for a committee on judiciary and law enforcement meeting.

Schroeder of Pottawattamie asked and received unanimous consent to suspend House Rule 61 for a commerce committee meeting.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2426, a bill for an act relating to procedures for involuntary commitment or treatment of substance abusers.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 148

By Committee on Education

1 *Whereas*, the purposes of the Iowa school foundation
2 plan, which has now been in effect for ten years, were
3 to equalize property tax burdens, to minimize differ-
4 ences in the expenditures for education on a per pupil
5 basis, and to provide equal educational opportunity
6 for the children in this state; and

7 *Whereas*, over the years the results of the operation
8 of the Iowa school foundation plan have shown progress
9 toward achievement of these purposes, but today the
10 school districts are facing decreasing enrollments
11 and increasing instructional and noninstructional
12 costs that have resulted in inequities in funding
13 among the school districts; and

14 *Whereas*, the costs of many noninstructional costs
15 are increasing at a faster rate than instructional
16 costs, resulting in a shift of funding emphasis away
17 from instructional purposes; *Now Therefore*,

18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring*, That the legislative council is
20 urged to establish a joint subcommittee, composed of
21 members of both political parties of the House and
22 Senate Committees on Education to conduct a study of
23 the state school foundation plan, to identify and

- 24 measure the elements of district cost, to examine the
25 relationship of instructional and noninstructional
26 elements of district cost to the adequacy and equity
27 of current educational programs, and to develop
28 methods for improving the adequacy and equity of the
29 school foundation program; and
30 *Be It Further Resolved*, That the joint subcommittee

Page 2

- 1 shall make a report of its recommendations, accompanied
2 by legislative bill drafts to implement the recommenda-
3 tions to the legislative council and to the general
4 assembly meeting in 1983.

Laid over under Rule 30.

On motion by Halvorson of Clayton, the House was recessed at 11:52 a.m., until 2:30 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 eighty members present, twenty absent.

SENATE AMENDMENTS CONSIDERED

House Concurs

Trucano of Polk called up for consideration **House File 2368**, a bill for an act adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5883

- 1 Amend House File 2368 as follows:
2 1. Page 1, line 23, by inserting after the word
3 "action" the words "to the extent that the support,
4 awards, and judgments have accrued at the time of
5 death of the decedent".

The motion prevailed and the House concurred in the Senate amendment H—5883.

Trucano of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2368)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Doderer

Lloyd-Jones

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Carpenter of Polk called up for consideration **House File 844**, a

bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1, providing for a civil penalty, and providing for a January 1 effective date, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5891

- 1 Amend House File 844 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 23, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".
- 5 2. Page 6, line 33, by inserting after the words
- 6 "for the exemption." the words "A person who sells
- 7 or transfers property which is designated for the
- 8 exemption or the personal representative of a deceased
- 9 person who owned such property shall provide written
- 10 notice to the assessor that the property is no longer
- 11 legally or equitably owned by the former claimant."
- 12 3. Page 7, line 18, by inserting after the word
- 13 "recorder" the words ", from the person who sold or
- 14 transferred the property, or from the personal
- 15 representative of a deceased claimant".
- 16 4. Page 8, line 8, by inserting after the word
- 17 "Act." the following: "Upon receipt of an application
- 18 for a claim for homestead tax credit or military
- 19 service tax exemption for the fiscal year beginning
- 20 on July 1 following the effective date of this Act,
- 21 the assessor shall provide written material as
- 22 prescribed by the department of revenue on the
- 23 requirements of the claimant under this Act and other
- 24 information deemed by the department to be needed
- 25 by the claimant in carrying out the claimant's
- 26 responsibilities under this Act. The material shall
- 27 provide notice that the claimant or personal
- 28 representative of the claimant will be subject to
- 29 a civil penalty for failure to provide the assessor
- 30 with written notice of the occurrence of certain
- 31 events. These events shall be specified in the
- 32 material presented to the claimant."

The motion prevailed and the House concurred in the Senate amendment H—5891.

Carpenter of Polk moved that the bill, as amended by the Senate

and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 844)

The ayes were, 95:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Anderson, R.	Doderer	Lloyd-Jones	Pelton
Ritsema			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Krewson of Polk called up for consideration **House File 2430**, a bill for an act adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5881

- 1 Amend House File 2430 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking line 21, and inserting
- 4 in lieu thereof the words "to recover damages for
- 5 personal injuries or wrongful death".

The motion prevailed and the House concurred in the Senate amendment H—5881.

Krewson of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2430)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Weiden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Lind

Absent or not voting, 4:

Byerly

Johnson, J.

Lloyd-Jones

Ritsema

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONFERENCE COMMITTEE APPOINTED
(House File 2463)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2463: Stueland of Clinton, Chair; Cook of Hardin, Anderson of Audubon, Jay of Appanoose and Sullivan of Van Buren.

UNANIMOUS CONSENT TO VOTE

Connors of Polk asked and received unanimous consent to be recorded as voting "aye" on House File 2485.

The vote was so recorded.

Poffenberger of Dallas called up for consideration **Senate File 276**, a bill for an act relating to the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—5876

1 Amend the House amendment, S—5528, to Senate File
2 276 as passed by the Senate as follows:

3 1. Page 1, by inserting after line 6 the following:

4 " . Page 1, by inserting after line 24 the
5 following:

6 "4. If at any time there are two or more appointed
7 members who are from the same congressional district,
8 each of the appointed members from that district shall
9 share equally in deciding how the single vote of the
10 appointed membership for that district shall be cast
11 on a question before the state judicial nominating
12 commission." "

13 2. Page 1, by inserting after line 18 the
14 following:

15 " . Page 2, by inserting after line 14 the

16 following:

17 "4. If at any time there are two or more elected
18 members who are from the same congressional district,
19 each of the elected members from that district shall
20 share equally in deciding how the single vote of the
21 elected membership for that district shall be cast
22 on a question before the state judicial nominating
23 commission." "

24 3. Page 2, by inserting after line 32 the
25 following:

26 "Sec. . Chapter 46, Code 1981, is amended by
27 adding the following new section:

28 **NEW SECTION. EXPENSES.** Appointed and elected
29 members of the state and district judicial nominating
30 commissions shall be reimbursed for actual and
31 necessary expenses incurred in the performance of
32 duties not to exceed maximum amounts for reimbursement
33 as set by the supreme court by rule prescribing the
34 maximum amounts, terms and conditions of reimbursement.
35 These reimbursements shall be paid out of funds
36 appropriated to the supreme court for this purpose."
37 4. Renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5876, to the House amendment.

Poffenberger of Dallas moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 276)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Knapp
Krewson	Lageschulte	Lind	Loneran

Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 3:

Johnson, W.	Rapp	Trucano
-------------	------	---------

Absent or not voting, 2:

Branstad	Lloyd-Jones
----------	-------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Lageschulte of Bremer called up for consideration **House File 2484**, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer, making coordinating amendments and providing a January 1 effective date, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5906

- 1 Amend House File 2484 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, lines 26 and 27, by striking the words
- 4 "person transporting" and inserting in lieu thereof
- 5 the words "owner of".
- 6 2. Page 5, line 27, by inserting after the word
- 7 "submitted" the words "by the person transporting
- 8 the mobile home".
- 9 3. Page 9, line 32, by inserting after the word
- 10 "homes" the words "in their inventory".

- 11 4. Page 11, line 34, by striking the word "section"
 12 and inserting in lieu thereof the words and figures
 13 "sections 321E.8 and".

The motion prevailed and the House concurred in the Senate amendment H—5906.

Lageschulte of Bremer moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Harbor

Lloyd-Jones

Pelton

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Hoffmann-Bright of Muscatine called up for consideration **Senate File 2216**, a bill for an act requiring the governor to establish within the office for planning and programming an Iowa youth corps program, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H-5897

- 1 Amend the House amendment S-5420 to Senate File
- 2 2216 as passed by the Senate as follows:
- 3 1. Page 1, line 7, by striking the word "GOVERNOR'S"
- 4 and inserting in lieu thereof the word "IOWA".
- 5 2. Page 1, line 8, by striking the word "governor's"
- 6 and inserting in lieu thereof the word "Iowa".
- 7 3. Page 1, line 27, by striking the word "governor's"
- 8 and inserting in lieu thereof the word "Iowa".
- 9 4. Page 1, line 29, by striking the word "governor's"
- 10 and inserting in lieu thereof the word "Iowa".
- 11 5. Page 1, line 35, by striking the word "governor's"
- 12 and inserting in lieu thereof the word "Iowa".
- 13 6. Page 1, line 38, by striking the word "governor's"
- 14 and inserting in lieu thereof the word "Iowa".

A non-record roll call was requested.

The ayes were 83, nays 1.

The motion prevailed and the House concurred in the Senate amendment H-5897, to the House amendment.

Hoffmann-Bright of Muscatine moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2216)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt

De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Lloyd-Jones

Pelton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Hanson of Delaware called up for consideration **House File 861**, a bill for an act to authorize a person who is confined in a hospital or nursing care facility to qualify for claiming the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5875

- 1 Amend House File 861 as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 20 the
- 4 following:
- 5 "Sec. . . Section 425.17, subsection 5, Code 1981,
- 6 is amended to read as follows:
- 7 5. "Claimant" means a person filing a claim for
- 8 credit or reimbursement under this division who has
- 9 attained the age of sixty-five years on or before
- 10 December 31 of the base year or who is a surviving
- 11 spouse having attained the age of fifty-five years
- 12 on or before December 31 of the base year, or who

13 is totally disabled and was totally disabled on or
14 before December 31 of the base year, and was domiciled
15 in this state during the entire base year and is
16 domiciled in this state at the time the claim is filed
17 or at the time of the person's death in the case of
18 a claim filed by the executor or administrator of
19 the claimant's estate. "Claimant" includes a vendee
20 in possession under a contract for deed and may include
21 one or more joint tenants or tenants in common. In
22 the case of a claim for rent constituting property
23 taxes paid, the claimant shall have rented the property
24 during any part of the base year. If a homestead
25 is occupied by two or more persons, and more than
26 one person is able to qualify as a claimant, the
27 persons may determine among them who will be the
28 claimant. If they are unable to agree, the matter
29 shall be referred to the director of revenue not later
30 than October 31 of each year and the director's
31 decision shall be final.

32 Sec. . Section 425.18, Code 1981, is amended
33 to read as follows:

34 425.18 CLAIM IS PERSONAL RIGHT TO FILE A CLAIM.

35 The right to file a claim for credit under this
36 division shall be is personal to the claimant and
37 shall does not survive the claimant's death, but the
38 right may be exercised on behalf of a claimant by
39 his or her the claimant's legal guardian, spouse or
40 attorney. The right to file a claim for reimbursement
41 under this division may be exercised by the claimant
42 or on behalf of a claimant by the claimant's legal
43 guardian, spouse, or attorney, or by the executor
44 or administrator of the claimant's estate. If a
45 claimant dies after having filed a claim for
46 reimbursement for rent constituting property taxes
47 paid, the amount of the reimbursement may be paid
48 to another member of the household as determined by
49 the director. If the claimant was the only member
50 of the household, the reimbursement may be paid to

Page 2

- 1 the claimant's executor or administrator, but if
- 2 neither is appointed and qualified within one year
- 3 from the date of the filing of the claim, the
- 4 reimbursement shall escheat to the state. If a
- 5 claimant dies after having filed a claim for credit
- 6 for property taxes due, the amount of credit shall
- 7 be paid as if the claimant had not died."
- 8 2. Title page, line 2, by inserting after the
- 9 word "claiming" the words "and authorize an executor
- 10 or administrator of an estate to file a claim for".
- 11 3. By numbering and renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5875.

Hanson of Delaware moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 861)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Lloyd-Jones Pelton

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Conlon of Muscatine called up for consideration **House File 777**, a bill for an act relating to assignments of instruments and accounts, amended by the following Senate amendment:

H—5879

- 1 Amend House File 777 as follows:
- 2 1. Page 1, by striking line 34 through page 2
- 3 line 3 and inserting in lieu thereof the following:
- 4 "constituting small claims may be brought or defended
- 5 by an individual, partnership, association,
- 6 corporation, or other entity. In actions in which
- 7 a person other than an individual is a party, that
- 8 person may be represented by an officer or an employee.
- 9 A person who in the".

Poffenberger of Dallas asked and received unanimous consent to withdraw amendment H—5928, to amendment H—5879, filed by her from the floor.

Conlon of Muscatine moved that the House concur in the Senate amendment H—5879.

The motion prevailed and the House concurred in the Senate amendment H—5879.

Conlon of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 777)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth

Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Woods	Mr. Speaker	

The nays were, 3:

Doderer	Jochum	Welsh
---------	--------	-------

Absent or not voting, 2:

Lloyd-Jones	Pelton
-------------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILLS

House Joint Resolution 2003, by committee on appropriations, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Read first time and placed on the **appropriations calendar**.

House File 2491, by committee on appropriations, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

Read first time and placed on the **appropriations calendar**.

Conlon of Muscatine called up for consideration **House File 2339**, a bill for an act to prohibit bail following conviction of a forcible felony, amended by the following Senate amendment:

H—5882

- 1 Amend House File 2339 as passed by the House, as
- 2 follows:

- 3 1. Page 1, by striking lines 4 through 7 and
4 inserting in lieu thereof the following: "sentencing
5 ~~for following either a plea or verdict of guilty of~~
6 a class "A" felony, murder, felonious assault, sexual
7 abuse in the second degree, sexual abuse in the third
8 degree in violation of section 709.4, subsection 1,
9 kidnapping, robbery in the first degree, arson in
10 the first degree, or burglary in the first degree.
11 2. A defendant appealing a conviction of a class
12 "A" felony, murder, felonious assault, sexual abuse
13 in the second degree, sexual abuse in the third degree
14 in violation of section 709.4, subsection 1,
15 kidnapping, robbery in the first degree, arson in
16 the first degree, or burglary in the first degree."

Doderer of Johnson offered the following amendment H—5909,
to amendment H—5882, and moved its adoption:

H—5909

- 1 Amend the Senate amendment H—5882 to House File
2 2339 as follows:
3 1. Page 1, line 8, by striking the word and numeral
4 "subsection 1" and inserting in lieu thereof the
5 following: "subsections 1 and 3".
6 2. Page 1, line 14, by striking the word and numeral
7 "subsection 1" and inserting in lieu thereof the
8 following: "subsections 1 and 3".

Amendment H—5909, to the Senate amendment H—5882, was
adopted.

UNANIMOUS CONSENT TO VOTE

Avenson of Fayette asked and received unanimous consent to be
recorded as voting "aye" on House File 777.

The vote was so recorded.

Conlon of Muscatine offered the following amendment H—5914,
to amendment H—5882, and moved its adoption:

H—5914

- 1 Amend H—5882, the Senate amendment to House File
2 2339, as follows:
3 1. Page 1, by inserting after line 16, the
4 following:

- 5 "3. Title page, by striking lines 1 and 2 and
 6 inserting in lieu thereof the following: "An Act to
 7 prohibit bail following conviction of, or a plea or
 8 verdict of guilty to, certain felonies."

Amendment H—5914, to the Senate amendment H—5882, was adopted.

On motion by Conlon of Muscatine, the Senate amendment H—5882, as amended, was adopted.

Conlon of Muscatine moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2339)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Chiodo
Welden

Lloyd-Jones

Pelton

Schroeder

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Ritsema of Sioux called up for consideration **House File 2369**, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5884

- 1 Amend House File 2369 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 11, by striking the word
- 4 "restricted" and inserting in lieu thereof the word
- 5 "restricted".
- 6 2. Page 1, line 18, by striking the words "section
- 7 321.283 or".
- 8 3. Page 2, line 21, by inserting after the word
- 9 "FOR" the words "EVALUATION AND".
- 10 4. Page 2, line 34, by striking the word
- 11 "consecutive".
- 12 5. Page 2, line 34, by striking the words "time
- 13 credited for hours served after" and inserting in
- 14 lieu thereof the words "credit for any time the person
- 15 was confined in a jail or detention facility
- 16 following".
- 17 6. Page 2, line 35, by inserting after the word
- 18 "arrest." the words "The court, where possible, shall
- 19 accommodate the sentence to the work schedule of the
- 20 defendant."
- 21 7. Page 3, lines 1 and 2, by striking the words
- 22 "committed within a six-year period".
- 23 8. Page 3, line 3, by inserting after the word
- 24 "jail" the words "or community-based correctional
- 25 facility".
- 26 9. Page 3, line 3, by inserting after the word
- 27 "days" the words ", which minimum term cannot be
- 28 suspended notwithstanding section 901.5, subsection
- 29 3 and section 907.3, subsection 2".
- 30 10. Page 3, line 5, by striking the words
- 31 "committed within a six-year period".
- 32 11. Page 3, by inserting after line 5 the
- 33 following:
- 34 "No conviction for, or plea of guilty to, a
- 35 violation of this section which occurred more than

36 six years prior to the date of the violation charged
37 shall be considered in determining that the violation
38 charged is a second, third or subsequent offense."

39 12. Page 3, by striking lines 9 through 13 and
40 inserting in lieu thereof the following:

41 "4. As a condition of a suspended sentence or
42 portion of sentence for a second, third or subsequent
43 offense in violation of this section, the court upon
44 hearing may commit the defendant for inpatient
45 treatment of alcoholism or drug addiction or dependency
46 to any hospital, institution or community correctional
47 facility in Iowa providing such treatment. The time
48 for which the defendant is committed for treatment
49 shall be credited against the defendant's sentence.
50 The court".

Page 2

1 13. Page 3, line 14, by inserting after the words
2 "for the" the words "evaluation and".

3 14. Page 4, line 2, by inserting after the word
4 "judgment." the words and figure "A person whose
5 license to operate a motor vehicle is revoked pursuant
6 to this subsection may be issued a temporary restricted
7 driving permit by the department allowing the person
8 to drive to and from the person's home and place of
9 employment and in the person's employment, if the
10 person's license to operate a motor vehicle is not
11 subject to revocation under section 321B.7 for refusal
12 to submit to chemical testing."

13 15. Page 4, by striking lines 12 through 22 and
14 inserting in lieu thereof the following:

15 "8. In any prosecution under this section, evidence
16 of the results of analysis of a specimen of the
17 defendant's blood, breath, saliva, or urine is
18 admissible upon proof of a proper foundation. In
19 an action in which a violation of subsection 1,
20 paragraph a of this section is alleged, evidence that
21 there was, at the time, ten hundredths or more of
22 one percent by weight of alcohol in the defendant's
23 blood is presumptive evidence that the defendant was
24 under the influence of an alcoholic beverage."

25 16. Page 4, by inserting after line 22 the
26 following:

27 "9. When a defendant is convicted of a third or
28 subsequent violation of this section the court shall
29 order under section 321.560 that the defendant shall
30 be ineligible for a period of six years to be issued
31 a license or permit to operate a motor vehicle under
32 this chapter. Upon the issuance of the order, the
33 court shall notify the department which shall revoke

34 any license or permit to operate a motor vehicle held
35 by the defendant. Not sooner than two years after
36 the issuance of the order, the defendant may petition
37 the court to restore the defendant's eligibility for
38 a license or permit to operate a motor vehicle. Upon
39 a satisfactory showing to the court that the defendant
40 has completed a program of treatment and that recovery
41 from the defendant's chronic dependency upon and abuse
42 of alcohol or drugs has occurred and will continue,
43 the court may restore the defendant's eligibility
44 and shall notify the department of the restoration."

45 17. Page 4, line 33, by inserting after the word
46 "state" the words "while the license or privilege
47 is revoked or denied".

48 18. Page 5, line 2, by inserting after the word
49 "for" the words ", or a plea of guilty of,".

50 19. Page 5, line 11, by striking the word "also"

Page 3

1 and inserting in lieu thereof the words "alternatively
2 or additionally".

3 20. Page 5, line 12, by inserting after the word
4 "seek" the word "evaluation,".

5 21. Page 5, line 31, by inserting after the word
6 "complete" the word "evaluation,".

7 22. Page 6, line 7, by inserting after the words
8 "course or" the word "evaluation,".

9 23. Page 6, by striking lines 8 and 9 and inserting
10 in lieu thereof the following:

11 "Sec. 8. Section 321.283, subsection 6, Code 1981,
12 is amended to read as follows:

13 6. Temporary permit. Any person required to
14 attend a course by the provisions of this division,
15 who is subject to a drivers license suspension or
16 revocation, may be issued a temporary driving permit
17 by the department restricted to driving to and from
18 his the person's home, place of employment, in his
19 the person's employment and the location of the
20 required course. Any person who does not receive
21 a temporary driving permit may after the period of
22 license suspension or revocation under for a violation
23 of section 321.281 have his or her drivers license
24 reissued subject to suspension for failure to comply
25 with the provisions of this division. This section
26 shall not permit the issuance of a temporary driving
27 permit or reissuance of a drivers license where the
28 provisions of chapter 321A have not been complied
29 with.

30 Successful completion of a course required by this
31 division shall not reverse a drivers license suspension

32 or revocation or reduce the length of a suspension
33 or revocation under for a violation of section 321.281;
34 ~~however, the director may reduce the length of a~~
35 ~~suspension or revocation contingent upon successful~~
36 ~~completion of a course for drinking drivers or under~~
37 ~~chapter 321B."~~

38 24. Page 6, by inserting after line 23 the
39 following:

40 "Sec. . Section 321A.17, subsection 1, Code
41 1981, is amended to read as follows:

42 1. Whenever the director, under any law of this
43 state, suspends or revokes the license of any person
44 upon receiving record of a conviction or a forfeiture
45 of bail or revokes the license of any person pursuant
46 to chapter 321B, the director shall also suspend the
47 registration for all motor vehicles registered in
48 the name of such the person, except that he the
49 director shall not suspend such the registration,
50 unless otherwise required by law, if such the person

Page 4

1 has previously given or ~~shall immediately give gives~~
2 and thereafter ~~maintain~~ maintains proof of financial
3 responsibility with respect to all motor vehicles
4 registered by ~~such the person."~~

5 25. Page 6, by striking lines 27 through 29 and
6 inserting in lieu thereof the words "officer has
7 reasonable grounds to believe that a motor vehicle
8 operator may be violating or has".

9 26. Page 7, line 21, by inserting after the word
10 "provisions" the words "arising from separate
11 occurrences".

12 27. Page 7, line 24, by striking the words
13 "registered or".

14 28. Page 8, line 9, by inserting after the word
15 "vehicle," the words "or when the person's use of
16 a motor vehicle is necessary to attend evaluation,
17 treatment or educational services for alcohol or drug
18 dependency,".

19 29. Page 8, by striking lines 12 and 13 and
20 inserting in lieu thereof the words "or revoked for
21 another reason."

22 30. Page 8, by striking lines 24 through 27.

23 31. Page 10, by striking lines 4 through 13 and
24 inserting in lieu thereof the following:

25 "Sec. . Chapter 321B, Code 1981, is amended
26 by adding the following new section:

27 NEW SECTION. EXCEPTION. Notwithstanding any
28 provisions of this chapter to the contrary, if there
29 has been a traffic accident resulting in death or

30 a personal injury reasonably likely to cause death
31 and a peace officer has reasonable grounds to believe
32 that one or more of the drivers who were involved
33 and whose driving may have been the proximate cause
34 of the accident was intoxicated or under the influence
35 of an alcoholic beverage or other drug at the time
36 of the accident, the officer may require a specimen
37 of each driver's blood, breath, saliva or urine for
38 chemical testing whether or not each driver consents
39 to the test. However, if the person objects to
40 withdrawal of blood, the person shall give a breath,
41 saliva or urine specimen. Blood specimens shall be
42 withdrawn by medical personnel pursuant to section
43 321B.4 and reasonable care shall be exercised to
44 ensure the health and safety of the persons from whom
45 specimens are withdrawn. Any person who knowingly
46 resists or obstructs the withdrawal of a specimen
47 under this section is guilty of interference with
48 official acts and, in that event, sections 321B.7
49 and 321B.11 apply. This section does not apply,
50 however, to those persons referred to in section

Page 5

- 1 321B.5.
2 Medical personnel who are authorized by section
3 321B.4 to withdraw specimens of blood and who use
4 due care and accepted medical practices to do so are
5 immune from liability for their actions in complying
6 with requests made of them under this section or
7 section 321B.4."
8 32. Page 12, line 2, by striking the word
9 "arrested" and inserting in lieu thereof the word
10 "arrested".
11 33. Page 12, by striking line 8 and inserting
12 in lieu thereof the words "that specified conditions
13 existed for chemical".
14 34. Page 12, lines 12 and 13, by striking the
15 words "not less than one hundred twenty days nor more
16 than" and inserting in lieu thereof the words "not
17 less than one hundred twenty eighty days nor more
18 than".
19 35. Page 12, line 21, by striking the words
20 "registered or" and inserting in lieu thereof the
21 words "registered or".
22 36. Page 13, lines 6 and 7, by striking the words
23 "or the issuance of a temporary permit".
24 37. Page 13, line 24, by striking the words "
25 —TEMPORARY RESTRICTED PERMIT ISSUED".
26 38. Page 14, line 30, by inserting after the word
27 "revocation" the words "or denial".

- 28 39. Page 14, by striking line 33 through page
29 15, line 20.
- 30 40. Page 15, by striking lines 21 through 32 and
31 inserting in lieu thereof the following:
32 "Sec. 27. Section 907.3, subsection 1, unnumbered
33 paragraph 2, Code 1981, is amended by adding the
34 following new lettered subparagraph:
35 NEW LETTERED SUBPARAGRAPH. The offense is a
36 violation of section 321.281 and, within the previous
37 six years, the person has been convicted of a violation
38 of that section or the person's driver's license has
39 been revoked pursuant to that section or chapter
40 321B."
- 41 41. Page 15, by striking line 33 through page
42 16, line 2.
- 43 42. By renumbering the sections to conform with
44 this amendment.

Ritsema of Sioux offered the following amendment H—5926, to amendment H—5884, filed by him from the floor and requested division as follows:

H—5926

- 1 Amend the Senate amendment H—5884 to House File
2 2369 as amended, passed and reprinted by the House,
3 as follows:

H—5926D

- 4 1. Page 1, by striking lines 17 through 20.

H—5926A

- 5 2. Page 2, by striking lines 27 through 44 and
6 inserting in lieu thereof the following:
7 "9. a. Upon a plea or verdict of guilty of a
8 third or subsequent violation of this section, the
9 court in which the plea was entered or the verdict
10 was returned shall order that the defendant's license
11 or permit to operate motor vehicles be revoked by
12 the department and that the defendant shall remain
13 ineligible for a new license or permit for a period
14 of six years. Any license or permit to operate motor
15 vehicles held by the defendant shall be surrendered
16 to the court who shall forward it to the department
17 with a copy of the order for revocation.
18 b. After two years from the date of the order
19 for revocation, the defendant may apply to the court
20 for restoration of the defendant's eligibility for

21 a license or permit to operate motor vehicles. The
22 application may be granted only if all of the following
23 are shown by the defendant by clear and convincing
24 evidence:

25 (1) The defendant has completed an evaluation
26 and, if recommended by the evaluation, a program of
27 treatment for chemical dependency and is recovering,
28 or has substantially recovered, from that dependency
29 on the tendency to abuse alcohol or drugs.

30 (2) The defendant has not been arrested and charged
31 since the date of the revocation order for any
32 subsequent violations of this section or section
33 123.46, or any comparable city or county ordinance,
34 and the defendant's license or permit has not been
35 subject to a subsequent revocation under chapter 321B.

36 (3) The defendant has abstained from the
37 consumption of alcoholic beverages and controlled
38 substances, except at the direction of a licensed
39 physician or pursuant to a valid prescription.

40 (4) The defendant's license or permit is not
41 currently subject to suspension or revocation for
42 any other reason.

43 c. The court shall forward to the department a
44 record of any application submitted under paragraph
45 b and the results of the court's disposition of the
46 application."

H-5926B

47 3. Page 4, by striking lines 14 through 18.

H-5926A

48 4. Page 4, by striking line 27 through page 5,
49 line 7, and inserting in lieu thereof the following:
50 "NEW SECTION. TESTS PURSUANT TO WARRANTS.

Page 2

1 1. Refusal to consent to a test under section
2 321B.3 does not prohibit the withdrawal of a specimen
3 for chemical testing pursuant to a search warrant
4 issued in the investigation of a suspected violation
5 of section 707.5 where the following grounds exist:
6 a. A traffic accident has resulted in a death
7 or personal injury reasonably likely to cause death,
8 and

9 b. There are reasonable grounds to believe that
10 one or more of the persons whose driving may have
11 been the proximate cause of the accident was violating
12 section 321.281 at the time of the accident.

13 2. Search warrants may be issued under this section
14 in full compliance with chapter 808 or they may be
15 issued under subsection 3 of this section.

16 3. Notwithstanding section 808.3, the issuance
17 of a search warrant under this section may be based
18 upon sworn oral testimony communicated by telephone
19 if the magistrate who is asked to issue the warrant
20 is satisfied that the circumstances make it reasonable
21 to dispense with a written affidavit. The following
22 shall then apply:

23 a. When a caller applies for the issuance of a
24 warrant under this section and the magistrate becomes
25 aware of the purpose of the call, the magistrate shall
26 place under oath the person applying for the warrant.

27 b. The person applying for the warrant shall
28 prepare a duplicate warrant and read the duplicate
29 warrant, verbatim, to the magistrate who shall enter,
30 verbatim, what is read to the magistrate on a form
31 that will be considered the original warrant. The
32 magistrate may direct that the warrant be modified.

33 c. The oral application testimony shall set forth
34 facts and information tending to establish the
35 existence of the grounds for the warrant and shall
36 describe with a reasonable degree of specificity the
37 person or person from whom a specimen is to be
38 withdrawn and the location where the withdrawal of
39 the specimen or specimens is to take place.

40 d. If a voice recording device is available, the
41 magistrate may record by means of that device all
42 of the call after the magistrate becomes aware of
43 the purpose of the call. Otherwise, the magistrate
44 shall cause a stenographic or longhand memorandum
45 to be made of the oral testimony of the person applying
46 for the warrant.

47 e. If the magistrate is satisfied from the oral
48 testimony that the grounds for the warrant exists
49 or that there is probable cause to believe that they
50 exist, the magistrate shall order the issuance of

Page 3

1 the warrant by directing the person applying for the
2 warrant to sign the magistrate's name on the duplicate
3 warrant. The magistrate shall immediately sign the
4 original warrant and enter on its face the exact time
5 when the issuance was ordered.

6 f. The person who executes the warrant shall enter
7 the time of execution on the face of the duplicate
8 warrant.

9 g. The magistrate shall cause any record of the
10 call made by means of a voice recording device to

11 be transcribed, shall certify the accuracy of the
12 transcript, and shall file the transcript and the
13 original record with the clerk. If a stenographic
14 or longhand memorandum was made of the oral testimony
15 of the person who applied for the warrant, the
16 magistrate shall file a signed copy with the clerk.

17 h. The clerk of court shall maintain the original
18 and duplicate warrants along with the record of the
19 telephone call and any transcript or memorandum made
20 of the call in a confidential file until a charge,
21 if any, is filed.

22 4. Search warrants issued under this section shall
23 authorize and direct peace officers to secure the
24 withdrawal of blood specimens by medical personnel
25 under section 321B.4. Reasonable care shall be
26 exercised to ensure the health and safety of the
27 persons from whom specimens are withdrawn in execution
28 of the warrants. If a person from whom a specimen
29 is to be withdrawn objects to the withdrawal of blood
30 by reason of religious convictions, the person is
31 capable of giving a specimen of breath, and a direct
32 breath testing instrument is readily available, the
33 warrant may be executed by the withdrawal of a specimen
34 of breath for chemical testing.

35 5. The act of any person knowingly resisting or
36 obstructing the withdrawal of a specimen pursuant
37 to a search warrant issued under this section
38 constitutes a contempt punishable by a fine not
39 exceeding one thousand dollars or imprisonment in
40 a county jail not exceeding one year or by both such
41 fine and imprisonment. Also, if the withdrawal of
42 a specimen is so resisted or obstructed, sections
43 321B.7 and 321B.11 apply.

44 6. Nonsubstantive variances between the contents
45 of the original and duplicate warrants shall not cause
46 a warrant issued under subsection 3 of this section
47 to be considered invalid.

48 7. Specimens obtained pursuant to warrants issued
49 under this section are not subject to disposition
50 under section 808.9 or chapter 809.

Page 4

1 8. Subsections 1 through 7 of this section do
2 not apply where a test may be administered under
3 section 321B.5.

4 9. Medical personnel who use reasonable care and
5 accepted medical practices in withdrawing blood
6 specimens are immune from liability for their actions
7 in complying with requests made of them pursuant to
8 search warrants or pursuant to section 321B.4."

- 9 5. Page 5, by striking lines 14 through 18 and
10 inserting in lieu thereof the following:
11 "34. Page 12, by striking lines 12 through 17
12 and inserting in lieu thereof the following:
13 "nonresident operating privilege for a period of not
14 less than one hundred twenty days nor more than one
15 year equal to one hundred fifty percent of the length
16 of time the person's license would have been revoked
17 under section 12 of this Act if the person had
18 submitted to chemical testing and the test results
19 had shown ten hundredths or more of one percent by
20 weight of alcohol in the blood; or if the person is
21 a resident without a license or permit to operate
22 a motor vehicle in this state, the director department
23 shall deny to the person the issuance of a license
24 or permit for the same period a license or permit
25 would be revoked within one year from the date of
26 the alleged".
27 6. Page 5, by striking lines 22 and 23.

H—5926C

- 28 7. Page 5, by striking lines 28 and 29 and
29 inserting in lieu thereof the following:
30 "39. Page 15, line 18, by inserting after the
31 figure "46." the following: "However, in proceedings
32 for a first offense violation of section 321.281,
33 a verbatim record is not required if the proceeding
34 is electronically recorded in the manner provided
35 in R.Cr.P. 48."

Ritsema of Sioux called up for consideration amendment
H—5926A.

Ritsema of Sioux offered the following amendment H—5927, to
amendment H—5926A filed by him from the floor and moved its
adoption:

H—5927

- 1 Amend amendment H—5926 to the Senate amendment
2 H—5884 to House File 2369 as amended, passed and
3 reprinted by the House, as follows:
4 1. Page 3, line 30, by striking the words "by
5 reason of religious convictions".

Amendment H—5927, to amendment H—5926A (to the Senate
amendment H—5884), was adopted.

The following amendment H—5930, to amendment H—5926A (to the Senate amendment H—5884), filed by Ritsema of Sioux from the floor was adopted by unanimous consent:

H—5930

- 1 Amend amendment H—5926 to amendment H—5884, the
- 2 Senate amendment to House File 2369, as amended,
- 3 passed and reprinted by the House, as follows:
- 4 1. Page 1, line 29, by striking the word "the"
- 5 and inserting in lieu thereof the word "or".

Ritsema of Sioux moved the adoption of H—5926A.

Amendment H—5926A, to the Senate amendment H—5884, was adopted.

Johnson of Linn offered the following amendment H—5919, to amendment H—5884, filed by him from the floor and moved its adoption.

H—5919

- 1 Amend Senate amendment H—5884 to House File 2369
- 2 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking lines 3 through 12.
- 5 2. Page 3, by striking lines 9 through 37.

Roll call was requested by Johnson of Linn and Stueland of Clinton.

Rule 80 was invoked.

On the question "Shall amendment H—5919 be adopted?"

The ayes were, 47:

Anderson, J.	Baxter	Binneboese	Branstad
Chiodo	Clark, B. J.	Clements	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Egenes
Gettings	Gross	Groth	Halvorson, R. A.
Hansen, I.	Harbor	Holt	Horn
Howell	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Pellett

Petrick	Poncy	Renaud	Renken
Schnekloth	Smith	Spear	Stueland
Sturgeon	Tyrrell	Van Maanen	

The nays were, 51:

Anderson, R.	Arnould	Avenson	Bennett
Brandt	Bruner	Byerly	Carl
Carpenter	Clark, J. H.	Cochran	Conlon
Connolly	Connors	Davitt	Diemer
Doderer	Fey	Hall	Halvorson, R. N.
Hanson, D.	Hoffmann-Bright	Jay	Jochum
Knapp	Krewson	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Poffenberger	Pope	Rapp	Ritsema
Rosenberg	Running	Schroeder	Shull
Smalley	Sullivan	Swartz	Swearingen
Tofte	Trucano	Walter	Welden
Welsh	Woods	Mr. Speaker	

Absent or not voting, 2:

Lloyd-Jones	Pelton
-------------	--------

Amendment H—5919, to the Senate amendment H—5884, lost.

Ritsema of Sioux called up for consideration amendment H—5926B and moved its adoption.

A non-record roll call was requested.

The ayes were 65, nays 14.

Amendment H—5926B, to the Senate amendment H—5884, was adopted.

Ritsema of Sioux called up for consideration amendment H—5926D and moved its adoption.

A non-record roll call was requested.

The ayes were 56, nays 34.

Amendment H—5926D, to the Senate amendment H—5884, was adopted.

Halvorson of Clayton offered the following amendment H-5931, to amendment H-5884, filed by him from the floor and requested division as follows:

H-5931

- 1 Amend H-5884, the Senate amendment to House File
- 2 2369, as passed and reprinted by the House as follows:

H-5931A

- 3 1. Page 2, by striking lines 45 through 47.

H-5931B

- 4 2. Page 5, by striking lines 28 and 29.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-5931A.

Ritsema of Sioux asked and received unanimous consent to defer action on amendment H-5926C, to the Senate amendment H-5884.

Halvorson of Clayton called up for consideration amendment H-5931B and moved its adoption.

Amendment H-5931B, to the Senate amendment H-5884, was adopted placing out of order amendment H-5926C.

Ritsema of Sioux moved that the House concur in the Senate amendment H-5884, as amended.

The motion prevailed and the House concurred in the Senate amendment H-5884, as amended.

Ritsema of Sioux moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2369)

The ayes were, 94:

Anderson, J.

Anderson, R.

Arnould

Avenson

Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Mr. Speaker		

The nays were, 4:

Byerly	Running	Welsh	Woods
--------	---------	-------	-------

Absent or not voting, 2:

Lloyd-Jones	Pelton
-------------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Poffenberger of Dallas called up for consideration **House File 2393**, a bill for an act creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5880

- 1 Amend House File 2393 as passed by the House as
- 2 follows:
- 3 1. Striking page 2, line 20, through page 3, line
- 4 6.
- 5 2. Page 3, by striking lines 10 through 16, and

6 inserting in lieu thereof the following: "For issuing
 7 a marriage license when a party requests a name change
 8 other than a change of surname to that of the other
 9 spouse or to a hyphenated combination of the surnames
 10 of both spouses, seven dollars and fifty cents. Two
 11 dollars and fifty cents of the seven dollars and fifty
 12 cents shall be paid to the recorder as a recording
 13 fee for recording the return of marriage. The clerk
 14 of the district court shall".

The motion prevailed and the House concurred in the Senate amendment H—5880.

Poffenberger of Dallas 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. 2393)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Copenhaver

Davitt

Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Maulsby of Calhoun called up for consideration **House File 2351**, a bill for an act relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, certain terraces and open prairies and increasing the assessed value of fruit-tree and forest reservations, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5913

1 Amend House File 2351 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the following
4 new section:

5 "Section 1. Section 427.1, subsection 9, Code
6 1981, is amended to read as follows:

7 9. Property of religious, literary, and charitable
8 societies. All grounds and buildings used or under
9 construction by literary, scientific, charitable,
10 benevolent, agricultural, and religious institutions
11 and societies solely for their appropriate objects,
12 not exceeding three hundred twenty acres in extent
13 and not leased or otherwise used or under construction
14 with a view to pecuniary profit. However, an
15 organization mentioned in this subsection whose primary
16 objective is to preserve land in its natural state
17 may own or lease land not exceeding three hundred
18 twenty acres in each county for its appropriate
19 objects. All deeds or leases by which such property
20 is held shall be filed for record before the property
21 herein described shall be omitted from the assessment.
22 All such property shall be listed upon the tax rolls
23 of the district or districts in which it is located
24 and shall have ascribed to it an actual fair market
25 value and an assessed or taxable value, as contemplated
26 by section 441.21, whether such property be subject
27 to a levy or be exempted as herein provided and such
28 information shall be open to public inspection."

29 2. Page 1, by striking lines 14 through 17 and
30 inserting in lieu thereof the words "the previous
31 fiscal year, unless the amount of acreage granted
32 exemptions for the previous fiscal year equaled the

33 limitation for that year, then the limitation for
34 the subsequent fiscal year is the limitation for the
35 previous fiscal year plus an increase, not to exceed
36 three hundred acres, of ten percent of that limitation.
37 However, the board".

38 3. Page 1, line 27, by striking the words "but
39 a" and inserting in lieu thereof the words ", except
40 that an exemption granted for wetlands shall be for
41 three fiscal years. A".

42 4. Page 1, line 34, by inserting after the word
43 "revenue." the words "However, in the case of an
44 exemption granted for wetlands an application does
45 not have to be filed for the second and third years
46 of the three-year exemption period."

47 5. Page 4, line 19, by inserting after the word
48 "cover" the words "but does not include native prairies
49 meeting the criteria of the state conservation
50 commission".

Page 2

1 6. Page 4, line 26, by inserting after the figure
2 "161.13" the words "except land located within the
3 corporate limits of a city which is not open to public
4 use".

5 7. Page 4, by inserting after line 26 the
6 following:

7 "f. "Used for economic gain" includes, but is
8 not limited to, using property for the storage of
9 equipment, machinery, or crops."

10 8. Page 4, by striking lines 27 and 28.

11 9. Page 4, by inserting after line 28 the
12 following:

13 "NEW SUBSECTION. NATIVE PRAIRIE. Land designated
14 as native prairie by a county conservation board or
15 by the state conservation commission in an area not
16 served by a county conservation board. Application
17 for the exemption shall be made on forms provided
18 by the department of revenue. The application forms
19 shall be filed with the assessing authority not later
20 than the first of February of the year for which the
21 exemption is requested. The application must be
22 accompanied by an affidavit signed by the applicant
23 that if the exemption is granted, the property will
24 not be used for economic gain during the assessment
25 year in which the exemption is granted. If the
26 property is used for economic gain during the
27 assessment year in which the exemption is granted,
28 the property shall lose its tax exemption and shall
29 be taxed at the rate levied by the county for the
30 fiscal year beginning in that assessment year. The

31 first annual application shall be accompanied by a
32 certificate from the county conservation board serving
33 the area in which the property is located or if none
34 exists, the state conservation commission stating
35 that the land is native prairie. The county
36 conservation board or the state conservation commission
37 shall issue the certificate if the board or commission
38 finds that the land has never been cultivated, is
39 unimproved, is primarily a mixture of warm season
40 grasses interspersed with flowering plants, and meets
41 the other criteria established by the state
42 conservation commission for native prairie. A taxpayer
43 may seek judicial review of a decision of a board
44 or the commission according to chapter 17A. The state
45 conservation commission shall adopt rules to implement
46 this subsection."

47 10. Page 4, by inserting after line 28 the
48 following:

49 "NEW SUBSECTION. LAND CERTIFIED AS A WILDLIFE
50 HABITAT. The owner of agricultural land may designate

Page 3

1 not more than two acres of the land for use as a
2 wildlife habitat. After inspection, if the land meets
3 the standards established by the commission for a
4 wildlife habitat under section 110.3, the state
5 conservation commission shall certify the designated
6 land as a wildlife habitat and shall send a copy of
7 the certification to the appropriate assessor. The
8 commission may subsequently withdraw certification
9 of the designated land if it fails to meet the
10 established standards for a wildlife habitat and the
11 assessor shall be given written notice of the
12 decertification."

13 11. Page 4, by striking lines 31 through 33 and
14 inserting in lieu thereof the following:

15 "441.22 FOREST AND FRUIT-TREE RESERVATIONS.

16 Forest reservations fulfilling the conditions of
17 sections 161.1 to 161.13 which are located within
18 the corporate limits of a city and which are not open
19 to public use shall be assessed on a taxable valuation
20 of".

21 12. Page 4, line 34, by inserting after the word
22 "acre." the words "at market value."

23 13. Page 5, line 3, by inserting after the word
24 "planting" the words "except that a fruit-tree
25 reservation located within the corporate limits of
26 a city which is not open to public use shall be
27 assessed at market value".

28 14. Title page, line 4, by striking the words

- 29 "certain terraces".
 30 15. Title page, line 4, by inserting after the
 31 word "terraces" the words ", wildlife habitats, native
 32 prairies,".
 33 16. Title page, line 4, by inserting after the
 34 word "prairies" the words ", increasing the amount
 35 of acres to be exempted for certain organizations,".
 36 17. Renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5913.

Maulsby of Calhoun moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2351)

The ayes were, 98:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklöth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Davitt

Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2492, by committee on ways and means, a bill for an act increasing the tax rate on tobacco products, imposing an inventory tax on certain tobacco products and providing for effective dates.

Read first time and placed on the **ways and means calendar**.

HOUSE REFUSES TO CONCUR

Gross of Ringgold called up for consideration **Senate File 2245**, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—5916

- 1 Amend the House amendment S—5503 to Senate File
- 2 2245 as passed by the Senate as follows:
- 3 1. Page 1, by striking lines 8 through 11 and
- 4 inserting in lieu thereof the following:
- 5 "NEW LETTERED PARAGRAPH. Voluntary, non-profit
- 6 groups whose funding is provided solely from non-tax
- 7 sources." "
- 8 2. Page 1, by striking line 12.
- 9 3. Page 1, by striking lines 20 through 23.

The motion lost and the House refused to concur in the Senate amendment H—5916, to the House amendment.

The House stood at ease at 5:15 p.m., until the fall of the gavel.

The House resumed session at 5:25 p.m., Speaker Stromer in the chair.

CONFERENCE COMMITTEE CHANGE

The Speaker announced that Davitt of Warren will replace Lloyd-Jones of Johnson on the Conference Committee to consider Senate File 2218.

IMMEDIATE MESSAGE

Pope of Polk asked and received unanimous consent to immediately message the following bills to the Senate: House Files 777, 844, 861, 2339, 2351, 2368, 2369, 2393, 2430 and 2484, and Senate Files 276, 2216, 2245 and 2297.

MOTION TO RECONSIDER LOST
(Senate File 2300)

Schroeder of Pottawattamie called up for consideration the motion to reconsider Senate File 2300, filed on April 20, 1982, and moved to reconsider the vote by which Senate File 2300, a bill for an act relating to the regulation of financial institutions, passed the House on April 20, 1982.

A non-record roll call was requested.

The ayes were 6, nays 82.

The motion lost, placing out of order the motion to reconsider Senate File 2300 filed by Chiodo of Polk on April 20, 1982.

MOTION TO RECONSIDER WITHDRAWN
(House File 2334)

Schroeder of Pottawattamie asked and received unanimous consent to withdraw the motion to reconsider House File 2334, a bill for an act relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication, filed on April 15, 1982.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 21, 1982, he approved and transmitted to the Secretary of State the following bill:

Senate File 2235, an act to authorize the Iowa Natural Resources Council to enter into a contract on behalf of the state with the federal government for storage in the Saylorville Reservoir, effective upon publication.

COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

STATE OF MISSISSIPPI

A concurrent resolution memorializing the Congress of the United States to adopt legislation amending the Clean Water Act of 1977 to eliminate the requirement of a national pollution discharge elimination system permit for water releases from reservoirs.

PRESENTATION OF VISITORS

Halvorson of Clayton presented Foreign Exchange Student, Sean Charters of Johannesburg, South Africa. He is staying with the Vernon Walter family of Guttenberg.

Bruner of Story presented to the House the Honorable Neil Hines, former member of the House, representing Story County.

The Speaker announced that the following visitors were present in the House chamber:

Thirty twelfth grade students from Central Webster High School, Burnside, accompanied by James Ainslie. By Halvorson of Webster.

Eight members of the Muscatine County Sheltered Workshop, Muscatine, accompanied by Tony Nester. By Hoffmann-Bright of Muscatine.

Twenty twelfth grade students from Bridgewater Fontanelle Junior-Senior High School, Bridgewater, accompanied by Darrell Burmeister. By Pellett of Cass.

Sixty students from Adel-DeSoto Junior-Senior High School, Adel, accompanied by Mike Myers. By Poffenberger of Dallas.

Fifty Camp Fire Girls from Cedar Rapids, accompanied by their leaders. By Petrick and Oxley of Linn.

Thirty Seniors from Audubon High School, Audubon, accompanied by Don Kristensen. By Anderson of Audubon.

One hundred six students from Forest City, accompanied by Steve Kappos, Ron Sanderson and Randy Pruisher. By Branstad of Winnebago.

Forty-three fourth, fifth, and sixth grade students from Kanawha Elementary School, Kanawha, accompanied by Marilyn Olson, Doris Muyskens and Leroy Scharnhorst. By Stromer of Hancock.

Forty twelfth grade students from Clarinda High School, Clarinda, accompanied by Pat Cassat. By Daggett of Taylor.

Fifty seventh and eighth grade students from St. John Elementary School, Independence, accompanied by Joseph Streit. By Copenhaver of Buchanan and Hummel of Benton.

Ninety 4-H members from Howard, Winneshiek and Allamakee counties, accompanied by Dick Horne. By Tofte of Winneshiek and Johnson of Howard.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 19, 1982 and is on file in the office of the Chief Clerk:

April 15, 1982

Ms. Elizabeth A. Isaacson, Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Mrs. Isaacson:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 9 claims of a general nature. This supplements our filing of December 22, 1981.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,
MAURICE E. BARINGER
 Chairman
 State Appeal Board

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON, Chief Clerk

OFFICE STATE COMPTROLLER

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
063-70-25	Rasmussen Buick-GMC, Inc. Council Bluffs Sales Tax Refund	\$150.00	Disapproved
064-70-25	Kristine Grimm Des Moines Salary Adjustment	1,032.50	Disapproved
098-70-25	Pulley Freight Lines, Inc. Des Moines Registration Fee Refund	568.20	Disapproved
101-70-25	Pathology Laboratory, P.C. Des Moines Title XIX	286.00	Disapproved
122-70-25	R.W. Hoffmann, M.D., P.C. Des Moines Title XIX	750.00	Disapproved
123-70-25	Cyclone Transport, Inc. Reinbeck Registration Refund	1,191.84	Disapproved
129-70-25	Allen Memorial Hospital Waterloo Title XIX	23.10	Disapproved
130-70-25	Allen Memorial Hospital Waterloo Title XIX	21.40	Disapproved
148-70-25	Ruegnitz Drug Store Dubuque Title XIX	551.96	Disapproved

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 757 Ways and Means

Increasing the tax rate on tobacco products.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House Joint Resolution, relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill, relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON CITIES

House File 2481, a bill for an act relating to the certified eligible list for promotion for city civil service.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON COMMERCE

House File 2490, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposit laws to the funds of electric power agencies.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON EDUCATION

House Concurrent Resolution, as amended, relating to a study of the state school foundation plan.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2303, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly Study Bill 757, as amended), increasing the tax rate on tobacco products.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H—5917	S.F. 2221	Senate Amendment
H—5920	S.F. 2285	Schroeder of Pottawattamie
H—5921	H.F. 2435	Senate Amendment
H—5925	H.F. 2426	Senate Amendment
H—5932	S.F. 2302	Horn of Linn
H—5933	H.F. 2490	Schroeder of Pottawattamie
		Johnson of Linn
		Conlon of Muscatine
		Running of Linn
		Connolly of Dubuque
		Halvorson of Clayton
		De Groot of Lyon
		Bruner of Story
		Johnson of Howard
		Pavich of Pottawattamie
		Cochran of Webster
		McKean of Jones
		Byerly of Polk
		Connolly of Dubuque
		Harbor of Mills
H—5934	H.F. 2492	

On motion by Pope of Polk, the House adjourned at 5:35 p.m., until 9:00 a.m., Thursday, April 22, 1982.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day—Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 22, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Vincent Fricke, pastor of the Gilbert Lutheran Church, Gilbert.

The Journal of Wednesday, April 21, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson on request of Bruner of Story.

PETITION FILED

The following petition was received and placed on file:

By Rosenberg of Story, from forty-two constituents of Ames favoring the immediate reinstatement of the AFDC - unemployed parents program.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and place the following bills on the Daily Debate Calendar for Thursday, April 22, 1982: House Joint Resolution 2003, House Files 2491, 2481, 2490 and Senate File 2303.

HOUSE RULE 61 SUSPENDED

Schnekloth of Scott asked and received unanimous consent to suspend House Rule 61 for a committee on ways and means meeting.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2405, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules.

Also: That the Senate has on April 20, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2446, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging.

Also: That the Senate has on April 20, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2474, a bill for an act to provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication.

Also: That the Senate has on April 20, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2475, a bill for an act relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date.

K. MARIE THAYER, Secretary

HOUSE CONCURRENT RESOLUTION 149

By Halvorson of Clayton and Cochran

1 *Whereas*, the Iowa General Assembly has not conducted
2 a study of its procedures since 1977; and

3 *Whereas*, the Legislative Management Committee of the
4 National Conference of State Legislatures, on which
5 several members of the Iowa General Assembly have
6 served, has been engaged in studying in depth the
7 legislative procedures and practices of all states in
8 recent years; and

9 *Whereas*, the Legislative Management Committee has
10 issued two publications, namely "A Chairman's Guide to
11 Effective Committee Management" and "Strengthening the
12 Legislative Process: An Agenda for Improvement", and a
13 number of smaller memorandums dealing with legislative
14 procedures; and

15 *Whereas*, the recommendations and suggestions contained
16 in these documents are worthy of study for the purpose of
17 implementing improved legislative procedures and practices
18 in the future; and

19 *Whereas*, the 1977 Study produced a number of reforms,
20 including the restructuring of the appropriation process
21 which has proved to be a model among the various states,
22 and it is felt similar improvements may result from a new
23 legislative study during the next interim; *Now Therefore*,

24 *Be It Resolved by the House of Representatives, the*
25 *Senate Concurring*, That the Legislative Council is urged

26 to establish a legislative procedures study committee
27 during the 1982 interim and that members of both political
28 parties and both houses as well as persons representing
29 the various staff functions be appointed to serve on the
30 committee or take part in the study; and

Page 2

1 *Be It Further Resolved*, That the study committee be
2 urged to review the publications of the Legislative
3 Management Committee of the National Conference of
4 State Legislatures, particularly those pertaining to
5 committee procedures and management, and make such
6 recommendations as it deems appropriate to the 1983
7 Session of the Iowa General Assembly accompanied by
8 proposed rules changes or bill drafts as necessary to
9 carry out the recommendations of the study committee.

Laid over under Rule 30.

The House stood at ease at 9:25 a.m., until the fall of the gavel.

The House resumed session at 11:27 a.m., Speaker pro tempore Menke of O'Brien in the chair.

CONSIDERATION OF BILLS
Ways and Means Calendar

Senate File 2288, a bill for an act relating to the prepayment of premium taxes by insurance companies, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2288)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer

Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Mullins
Oxley	Pellett	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Welsh	Woods	Mr. Speaker (Menke)	

The nays were, 5:

Dieleman	Knapp	O'Kane	Pavich
Running			

Absent or not voting, 8:

Copenhaver	Davitt	Howell	Jay
Lloyd-Jones	Norland	Pelton	Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2191, a bill for an act relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2191)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.

Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 3:

Knapp	O'Kane	Running
-------	--------	---------

Absent or not voting, 4:

Howell	Lloyd-Jones	Pelton	Walter
--------	-------------	--------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2293, a bill for an act relating to the apportionment of business income for corporate income tax purposes, with report of committee recommending passage was taken up for consideration.

Shull of Warren moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2293)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt

Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, none.

Absent or not voting, 3:

Howell

Lloyd-Jones

Walter

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES DEFERRED

(2343, 2404 and 2479)

Pope of Polk asked and received unanimous consent to defer action on House Files 2343, 2404 and 2479, and that the bills retain their place on the calendar.

INTRODUCTION OF BILLS

House File 2493, by committee on appropriations, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain

references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program.

Read first time and placed on the **appropriations calendar**.

House File 2494, by committee on appropriations, a bill for an act appropriating funds for capital expenditures to the state conservation commission.

Read first time and placed on the **appropriations calendar**.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and place House Files 2493 and 2494 on the Daily Debate Calendar for Thursday, April 22, 1982.

On motion by Pope of Polk, the House was recessed at 11:45 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 2292, a bill for an act relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2292)

The ayes were, 91:

Anderson, J.

Anderson, R.

Arnould

Baxter

Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Lonergan
Mann	Maulsby	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Avenson	Brandt	Connors	Daggett
Johnson, J.	Krewson	Lloyd-Jones	McKean
Schroeder			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House Joint Resolution 2003, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation, with report of committee recommending passage was taken up for consideration.

HOUSE JOINT RESOLUTION 2003 TEMPORARILY DEFERRED

Avenson of Fayette asked and received unanimous consent that House Joint Resolution 2003 be temporarily deferred and that the bill retain its place on the calendar.

House File 2491, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa, with report of committee recommending passage was taken up for consideration.

Speaker pro tempore Menke of O'Brien in the chair at 1:57 p.m.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2491)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lonergan	Mann	Maulsby	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, none.

Absent or not voting, 3:

Krewson

Lloyd-Jones

McKean

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

House File 2481, a bill for an act relating to the certified eligible list for promotion for city civil service, with report of committee recommending passage was taken up for consideration.

Tyrrell of Iowa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2481)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Daggett
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Loneragan	Mann
Maulsby	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schnekloth	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 2:

Ritsema

Schroeder

Absent or not voting, 5:

Branstad
McKean

Crabb

Danker

Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2490, a bill for an act relating to the applicability of the state public deposit and sinking fund for public deposit laws to the funds of electric power agencies, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5933 filed by Schroeder, et al., and moved its adoption:

H—5933

1 Amend House File 2490 as follows:

2 1. Page 1, by inserting after line 26 the
3 following:

4 "Sec. . Section 453.4, Code 1981, is amended
5 to read as follows:

6 453.4 LOCATION OF DEPOSITORIES. Deposits by the
7 treasurer of state shall be in banks located in this
8 state; by a county officer or county public hospital
9 officer or merged area hospital officer, in banks
10 located in his county or in an adjoining county within
11 this state; by a memorial hospital treasurer, in a
12 bank located within this state which shall be selected
13 by such memorial hospital treasurer and approved by
14 the memorial hospital commission; by a city treasurer
15 or other city financial officer, in banks or bank
16 offices located in the city, but in the event there
17 is no bank or bank office in such city then in any
18 other bank or bank office located in this state which
19 shall be selected as such depository by the city
20 council; by a school treasurer or by a school secretary
21 in a bank within this state which shall be selected
22 by the board of directors or the trustees of such
23 school district; by a township clerk in a bank located
24 within this state which shall be selected by such
25 township clerk and approved by the trustees of such
26 township. Provided, that deposits may be made in
27 banks outside of Iowa for the purpose of paying
28 principal and interest on bonded indebtedness of any
29 municipality when such deposit is made not more than
30 ten days before the date such principal or interest

31 becomes due."

32 2. By renumbering sections.

Amendment H—5933 was adopted.

The following amendment H—5940 filed by Schroeder of Pottawattamie from the floor was adopted by unanimous consent:

H—5940

1 Amend House File 2490, as follows:

2 1. Title page, by striking lines 1 through 3 and

3 inserting in lieu thereof the following: "An Act

4 relating to funds deposited by public entities in

5 banks or bank offices."

Schroeder of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2490)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Rapp	Renken	Ritsema
Rosenberg	Running	Schnekloth	Schroeder
Shull	Smalley	Smith	Spear
Stromer	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			
(Menke)			

The nays were, 3:

Byerly "

Renaud

Woods

Absent or not voting, 4:

Danker

Lloyd-Jones

Pope

Trucano

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Senate File 2303, a bill for an act to legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property, with report of committee recommending passage was taken up for consideration.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2303)

The ayes were, 93:

Anderson, J.	Arnould	Avenson	Baxter
Bennett	Binneboese	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Crabb	Daggett	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellet	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 1:

Ritsema

Absent or not voting, 6:

Anderson, R.
Lloyd-Jones

Brandt
Stromer

Corey

Danker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2426 TEMPORARILY DEFERRED

Poffenberger of Dallas asked and received unanimous consent that House File 2426 be temporarily deferred and that the bill retain its place on the calendar.

SENATE AMENDMENTS CONSIDERED

House Concurs

Smalley of Polk called up for consideration **House File 2435**, a bill for an act relating to shooting ranges, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5921

- 1 Amend House File 2435 as amended and passed by
- 2 the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. Before a person improves
- 6 property acquired to establish, use, and maintain
- 7 a shooting range by the erection of buildings,
- 8 breastworks, ramparts, or other works or before a
- 9 person substantially changes the existing use of a
- 10 shooting range, the person shall obtain approval of
- 11 the county zoning commission or the city zoning
- 12 commission, whichever is appropriate. The appropriate
- 13 commission shall comply with section 358A.8 or 414.6.
- 14 In the event a county or city does not have a zoning
- 15 commission, the county board of supervisors or the
- 16 city council shall comply with section 358A.6 or 414.5
- 17 before granting the approval.
- 18 A person who acquires title to or who owns real
- 19 property adversely affected by the use of property
- 20 with a permanently located and improved range shall

21 not maintain a nuisance action against the person
 22 who owns the range to restrain, enjoin, or impede
 23 the use of the range where there has not been any
 24 substantial change in the nature of the use of the
 25 range. This section shall not be in any way construed
 26 to enjoin actions for negligence or recklessness in
 27 the operation of the range or by any person using
 28 the range."

The motion prevailed and the House concurred in the Senate amendment H—5921.

Smalley of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2435)

The ayes were, 85:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Lind	Loneragan
Mann	McKean	Mullins	Norland
Oxley	Pavich	Pellett	Petrick
Poncy	Pope	Rapp	Renaud
Renken	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker (Menke)			

The nays were, 11:

Clark, J. H.	Doderer	Halvorson, R. N.	Hummel
Knapp	Maulsby	O'Kane	Pelton
Poffenberger	Ritsema	Sturgeon	

Absent or not voting, 4:

Chiodo

Lloyd-Jones

Stromer

Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2298 REREFERRED

Conlon of Muscatine asked and received unanimous consent to rerefer Senate File 2298, previously referred to the committee on **judiciary and law enforcement**, to the committee on **state government**.

McKean of Jones called up for consideration **House File 2446**, a bill for an act to expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5936

- 1 Amend House File 2446, as passed by the House,
- 2 as follows:
- 3 1. Page 2, by inserting after line 5 the following:
- 4 "Sec. 3. The general assembly finds that the
- 5 ability of elderly persons in this state to maintain
- 6 self-sufficiency and well-being and to realize their
- 7 maximum potential is of profound importance, and that
- 8 the social and health problems of elderly persons
- 9 are compounded by limited accessibility to existing
- 10 services and by the unavailability of a complete range
- 11 of services. In order to better coordinate state
- 12 and local agency activities and services to elderly
- 13 persons in this state, the program evaluation division
- 14 of the legislative fiscal bureau shall conduct an
- 15 evaluation of the duties of the commission on the
- 16 aging in chapter 249B of the Code of Iowa relating
- 17 to interagency planning and coordination of elderly
- 18 services and report its findings and recommendations
- 19 to the general assembly by January 1, 1983."
- 20 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—5936.

McKean of Jones moved that the bill, as amended by the Senate

and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2446)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Daggett	Danker
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 1:

Welden

Absent or not voting, 6:

Brandt	Chiodo	Crabb	Davitt
Lloyd-Jones	Pelton		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Schroeder of Pottawattamie called up for consideration **House File 2405**, a bill for an act to permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules, amended by the Senate, and moved that the House concur in the following Senate amendment:

H—5935

1 Amend House File 2405, as passed by the House,
2 as follows:

3 1. Page 1, by inserting before line 1 the following
4 new section:

5 "Section 1. Section 321.1, subsection 16, paragraph
6 b, subparagraphs (1) and (2), Code 1981, are amended
7 to read as follows:

8 (1) From a place at which such the vehicles are
9 manufactured, fabricated, repaired, or sold at to
10 a farm site or a retail seller or from a retail seller
11 to a farm site;

12 (2) To a place at which such the vehicles are
13 manufactured, fabricated, repaired, or sold at to
14 a farm site or a retail seller or from a retail seller
15 from a farm site; or".

16 2. Page 1, by striking lines 8 through 14 and
17 inserting in lieu thereof the following: "in this
18 section. However, the movement of implements of
19 husbandry between the retail seller and a farm
20 purchaser or the movement of indivisible implements
21 of husbandry between the place of manufacture and
22 a retail seller or farm purchaser under section 321.453
23 is subject to safety rules adopted by the department.
24 The safety rules shall prohibit the movement of any
25 power unit towing more than one implement of husbandry
26 from the manufacturer to the retail seller, from the
27 retail seller to the farm purchaser, or from the
28 manufacturer to the farm purchaser."

29 3. Page 1, by striking lines 20 through 24 and
30 inserting in lieu thereof the following: "upon a
31 highway, or to implements moved between the retail
32 seller and a farm purchaser within a fifty mile radius
33 from corporate limits wherein his place of business
34 is located, or to indivisible implements of husbandry
35 temporarily moved between the place of manufacture
36 and a retail seller or a farm purchaser, or implements
37 received and moved by a retail".

38 4. Renumber sections and correct internal
39 references as are necessary in accordance with this
40 amendment.

The motion prevailed and the House concurred in the Senate amendment H—5935.

Schroeder of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2405)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schneklath	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 6:

Doderer	Halvorson, R. N.	Johnson, J.	O'Kane
Poncy	Welden		

Absent or not voting, 5:

Brandt	Chiodo	Harbor	Lloyd-Jones
Pelton			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Cook of Hardin called up for consideration **Senate File 2221**, a bill for an act relating to the regulation of agricultural and vegetable seed, and relating to penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H—5917

- 1 Amend the House amendment S—5606 to Senate File
- 2 2221 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 7, by inserting after the word
- 5 "department" the words "or commonly recognized as
- 6 weeds in this state".
- 7 2. Page 1, by inserting after line 47 the
- 8 following:
- 9 "5. Page 6, by striking lines 27 through 29, and
- 10 inserting in lieu thereof the following:
- 11 "e. Percentage by weight of inert matter."
- 12 6. Page 6, line 31, by striking the words "one-
- 13 half of".
- 14 7. Page 7, lines 19 and 20, by striking the words
- 15 "sale.
- 16 d. The" and inserting in lieu thereof the words
- 17 "sale or the".
- 18 3. Page 2, by inserting after line 3 the following:
- 19 " . By relettering paragraphs as required by
- 20 this amendment."

The motion prevailed and the House concurred in the Senate amendment H—5917, to the House amendment.

Cook of Hardin moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2221)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhagen	Corey	Crabb

Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Lageschulte	Lind	Loneran	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stromer	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker (Menke)

The nays were, none.

Absent or not voting, 4:

Chiodo	Jay	Krewson	Lloyd-Jones
--------	-----	---------	-------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and place Senate Files 2251 and 2305 on the Daily Debate Calendar of Thursday, April 22, 1982.

HOUSE INSISTS (House File 2250)

Johnson of Woodbury called up for consideration **House File 2250**, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, and moved that the House insist on its amendment..

The motion prevailed and the House insisted on its amendment.

HOUSE INSISTS (House File 2460)

Smalley of Polk called up for consideration **House File 2460**, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, and moved that the House recede from its amendment.

Roll call was requested by Brandt of Black Hawk and Doderer of Johnson.

Rule 80 was invoked.

On the question "Shall the House recede from its amendment?"

The ayes were, 48:

Anderson, J.
Byerly

Bennett
Conlon

Binneboese
Cook

Branstad
Corey

Crabb	Daggett	Danker	De Groot
Diemer	Gross	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Jay	Johnson, J.	Lind	Mann
Maulsby	Pellett	Petrick	Pope
Renaud	Renken	Ritsema	Running
Schneklath	Schroeder	Shull	Smalley
Stromer	Stueland	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Welden	Welsh	Mr. Speaker (Menke)

The nays were, 48:

Anderson, R.	Arnould	Avenson	Baxter
Brandt	Bruner	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Connolly	Connors	Copenhaver	Davitt
Dieleman	Doderer	Egenes	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Howell	Hummel	Jochum
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Loneragan	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Poffenberger	Poney	Rapp	Rosenberg
Smith	Spear	Sturgeon	Walter

Absent or not voting, 4:

Chiodo	Lloyd-Jones	Pelton	Woods
--------	-------------	--------	-------

The motion lost and the House insisted on its amendment.

CONFERENCE COMMITTEE APPOINTED (House File 2460)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2460: Conlon of Muscatine, Chair; Poffenberger of Dallas, Trucano of Polk, Doderer of Johnson and Rosenberg of Story.

CONSIDERATION OF BILL Appropriations Calendar

House File 2493, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation

program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program, with report of committee recommending passage was taken up for consideration.

Hansen of O'Brien offered amendment H—5937 filed by him from the floor, and requested division as follows:

H—5937

- 1 Amend House File 2493, as follows:

H—5937A

- 2 1. Page 2, line 20, by striking the words
- 3 "engaging in" and inserting in lieu thereof the
- 4 word "committing".

H—5937B

- 5 2. Page 2, line 30, by inserting after the
- 6 word "death." the following: " "Crime" does not
- 7 include the conduct of a person which causes the
- 8 person to be subject to the jurisdiction of the
- 9 juvenile court, or of a person which causes the
- 10 person to be required to make restitution pursuant
- 11 to a juvenile restitution program."

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H—5937B.

Hansen of O'Brien called up for consideration amendment H—5937A and moved its adoption.

Amendment H—5937A was adopted.

HOUSE FILE 2493 TEMPORARILY DEFERRED

Hansen of O'Brien asked and received unanimous consent that House File 2493 be temporarily deferred and that the bill retain its place on the calendar.

Speaker Stromer in the chair at 3:20 p.m.

CONFERENCE COMMITTEE APPOINTED
(House File 2250)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2250: Johnson of Woodbury, Chair; Menke of O'Brien, Danker of Pottawattamie, Pavich of Pottawattamie and Binneboese of Plymouth.

SENATE AMENDMENT CONSIDERED
House Concurs

Poffenberger of Dallas called up for consideration **House File 2426**, a bill for an act relating to the procedures for involuntary commitment or treatment of substance abusers, amended by the following Senate amendment:

H—5925

- 1 Amend House File 2426 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 26, by inserting after the words
- 4 "commenced by" the words "the county attorney or".
- 5 2. Page 5, line 34, by striking the word "shall"
- 6 and inserting in lieu thereof the word "may".
- 7 3. Page 6, by striking line 21 and inserting in
- 8 lieu thereof the words "the applicant. If the county
- 9 attorney is the applicant, the county attorney shall
- 10 present the evidence in support of the application.
- 11 During the hearing the applicant and".
- 12 4. Page 6, line 34, by striking the words "county
- 13 attorney" and inserting in lieu thereof the word
- 14 "applicant".
- 15 5. Page 8, line 18, by striking the words "making
- 16 a" and inserting in lieu thereof the words "which
- 17 shall include the chief medical officer's".
- 18 6. Page 8, line 28, by striking the words "on
- 19 the" and inserting in lieu thereof the words "of the
- 20 chief medical officer's".
- 21 7. Page 9, line 14, by striking the words "facility
- 22 administrator's" and inserting in lieu thereof the
- 23 words "chief medical officer's".
- 24 8. Page 9, lines 28 and 29, by striking the words
- 25 "facility administrator" and inserting in lieu thereof
- 26 the words "chief medical officer".
- 27 9. Page 11, line 13, by inserting after the word
- 28 "whether" the words "in the opinion of the chief
- 29 medical officer".

30 10. Page 11, line 24, by inserting after the word
31 "whether" the words "in the opinion of the chief
32 medical officer".

33 11. Page 13, lines 31 and 32, by striking the
34 words "administrator of the facility" and inserting
35 in lieu thereof the words "chief medical officer".

36 12. Page 14, line 4, by inserting after the word
37 "administrator" the words "in consultation with the
38 chief medical officer".

39 13. Page 15, line 31, by inserting after the word
40 "continue" the words "or is otherwise deemed medically
41 necessary by the chief medical officer".

42 14. Page 16, line 19, by striking the word "unless"
43 and inserting in lieu thereof the words "except for
44 treatment provided pursuant to sections 8 and 18 of
45 this Act. If".

46 15. Page 16, line 20, by striking the words "in
47 which case".

48 16. Page 16, by striking lines 22 through 33 and
49 inserting in lieu thereof the following: "person's
50 refusal. If the person refuses treatment which in

Page 2

1 the opinion of the chief medical officer is necessary
2 or if the person is incompetent and the next of kin
3 or guardian refuses to consent to the treatment or
4 no next of kin or guardian is available the facility
5 may petition a court of appropriate jurisdiction for
6 approval to treat the person."

7 17. Page 19, by inserting after line 31 the
8 following:

9 "7. A licensed physician and surgeon or osteopathic
10 physician and surgeon, facility administrator, or
11 an employee or a person acting as or on behalf of
12 the facility administrator, is not criminally or
13 civily liable for acts in conformity with this
14 chapter, unless the acts constitute willful malice
15 or abuse."

16 18. Page 21, line 4, by inserting after the word
17 "judges" the words "or magistrates".

18 19. Page 21, line 7, by inserting after the figure
19 "229.20" the words and figure "and section 229.22".

20 20. Page 21, line 9, by inserting after the word
21 "judges" the words "or magistrates".

22 21. Page 22, line 2, by inserting after the word
23 "court" the words "or magistrates".

24 22. Page 22, line 4, by inserting after the word
25 "initiated." the words and figure "If an emergency
26 hospitalization proceeding is initiated under section
27 229.22 a judicial hospitalization referee may perform
28 the duties imposed upon a magistrate by that section."

Poffenberger of Dallas offered the following amendment H-5943, to amendment H-5925, filed by her from the floor and moved its adoption:

H-5943

1 Amend H-5925, the Senate amendment to House File
2 2426, as follows:

3 1. Page 1, by inserting after line 4, the following:

4 " . Page 2, by inserting after line 9, the
5 following:

6 "Sec. . The applicant, if not the county attorney,
7 may apply for the appointment of counsel if financially
8 unable to employ an attorney to assist the applicant in
9 presenting evidence in support of the application for
10 commitment. If the applicant applies for the appointment
11 of counsel, the application shall include a financial
12 statement as defined in section 336B.1."

13 . Page 3, by striking lines 3 and 4 and inserting
14 in lieu thereof the following:

15 "2. If the application includes a request for a
16 court-appointed attorney for the applicant and the
17 court is satisfied that a court-appointed attorney is
18 necessary to assist the applicant in a meaningful
19 presentation of the evidence, and that the applicant
20 is financially unable to employ an attorney, the court
21 shall appoint an attorney to represent the applicant.
22 The attorney shall be compensated in substantially the
23 same manner as provided by section 815.7." "

24 2. Page 1, by inserting after line 6, the following:

25 " . Page 6, line 20, by inserting after the word
26 "by" the words "the applicant, or by an attorney for
27 the applicant, or by the county attorney if the county
28 attorney is the applicant."

29 . Page 6, line 21, by striking the words "the
30 county attorney."

31 3. Page 1, by striking lines 7 through 11."

Amendment H-5943, to the Senate amendment H-5925, was adopted.

On motion by Poffenberger of Dallas, the House concurred in the Senate amendment H-5925, as amended.

Poffenberger of Dallas moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2426)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Daggett	Danker	Davitt	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Knapp	Krewson	Lageschulte
Lind	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Petric	Poffenberger	Poncy	Rapp
Renaud	Renken	Ritsema	Rosenberg
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Crabb	De Groot	Howell	Johnson, W.
Lloyd-Jones	Pelton	Pope	Running

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

Appropriations Calendar

The House resumed consideration of **House Joint Resolution 2003**, relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Avenson of Fayette offered the following amendment H—5944 filed by him from the floor and moved its adoption:

H—5944

1 Amend House Joint Resolution 2003 as follows:

2 1. Page 1, line 13, by striking the words "may
3 be appropriated" and inserting in lieu thereof the
4 words "shall be appropriated annually".

5 2. Page 1, line 16, by striking in the words "upon
6 recommendation" and inserting in lieu thereof the
7 words "from recommendations".

8 3. Page 1, line 35, by inserting after the word
9 "projects." the words "The committee shall be composed
10 of two members of the senate, two members of the house
11 of representatives and five citizens of the state.
12 Not more than one senator, one representative and
13 three of the citizens, respectively, shall be members
14 of the same political party."

Amendment H—5944 was adopted.

Welden of Hardin moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 2003)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Gross
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Howell	Hummel
Jay	Jochum	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poney	Pope
Rapp	Renaud	Renken	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland

Sturgeon
Tofte
Walter
Mr. Speaker

Sullivan
Trucano
Welden

Swartz
Tyrrell
Welsh

Swearingen
Van Maanen
Woods

The nays were, 1:

Ritsema

Absent or not voting, 2:

Johnson, J.

Lloyd-Jones

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

Ways and Means Calendar

Senate File 2251, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas, with report of committee recommending passage was taken up for consideration.

Branstad of Winnebago moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2251)

The ayes were, 91:

Anderson, J.
Bennett
Bruner
Chiodo
Conlon
Copenhaver
Danker
Diemer
Gettings
Halvorson, R. A.
Harbor
Howell
Johnson, R.
Lind

Anderson, R.
Binneboese
Byerly
Clark, B. J.
Connolly
Corey
Davitt
Doderer
Gross
Halvorson, R. N.
Hoffmann-Bright
Hummel
Knapp
Lonergan

Arnould
Brandt
Carl
Clark, J. H.
Connors
Crabb
De Groot
Egenes
Groth
Hansen, I.
Holt
Jay
Krewson
Mann

Baxter
Branstad
Carpenter
Cochran
Cook
Daggett
Dieleman
Fey
Hall
Hanson, D.
Horn
Jochum
Lageschulte
Maulsby

McKean	Menke	Mullins	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklloth	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 3:

Clements	Tyrrell	Van Maanen
----------	---------	------------

Absent or not voting, 6:

Avenson	Johnson, J.	Johnson, W.	Lloyd-Jones
Norland	Schroeder		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date, with report of committee recommending passage was taken up for consideration.

Bruner of Story offered the following amendment H—5945 filed by him from the floor and moved its adoption:

H—5945

- 1 Amend Senate File 2305, as follows:
- 2 1. Page 1, line 12, by inserting after the
- 3 figure "249A.", the following: "In the event that
- 4 the person being cared for is receiving assistance
- 5 benefits under chapter 239, the expenses not
- 6 otherwise deductible shall be the net difference
- 7 between the expenses actually incurred in caring
- 8 for the person and the assistance benefits
- 9 received under chapter 239."

Amendment H—5945 was adopted.

Poffenberger of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2305)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Howell	Hummel	Jay
Jochum	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Doderer	Johnson, J.	Lloyd-Jones
---------	-------------	-------------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN (House File 2488)

Hummel of Benton and Schnekloth of Scott asked and received unanimous consent to withdraw the motions to reconsider House

File 2488, a bill for an act relating to the computation of net income for purposes of the state individual and corporate income tax by providing an additional business deduction for increasing employment over previous years, filed on April 20, 1982.

MOTION TO RECONSIDER PREVAILED
(Senate File 2285)

Horn of Linn called up for consideration the motion to reconsider Senate File 2285, filed on April 7, 1982, and moved to reconsider the vote by which Senate File 2285, a bill for an act relating to the procedure for the tabulation of ballots cast by means of an electric voting system and effective upon publication, passed the House on April 7, 1982.

A non-record roll call was requested.

The ayes were 83, nays 4.

The motion prevailed and the House reconsidered Senate File 2285.

Schroeder of Pottawattamie offered amendment H—5920 filed by him as follows:

H—5920

- 1 Amend Senate File 2285 as passed by the Senate
- 2 as follows:
- 3 1. Page 1, by striking lines 5 and 6 and inserting
- 4 in lieu thereof the following: "officials of that
- 5 precinct, not members of the same political party,
- 6 appointed by the commissioner in the manner provided
- 7 for the appointment of the election board panel in
- 8 section 49.15, who shall travel".

Welsh of Dubuque rose on a point of order that amendment H—5920 was not germane.

The Speaker ruled the point not well taken and amendment H—5920 germane.

Schroeder of Pottawattamie moved the adoption of amendment H—5920.

Amendment H—5920 was adopted.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2285)

The ayes were, 35:

Anderson, R.	Avenson	Baxter	Bennett
Brandt	Bruner	Carl	Carpenter
Chiodo	Cochran	Connolly	Connors
Cook	Davitt	Doderer	Egenes
Gross	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Mann	Pope
Rapp	Ritsema	Rosenberg	Schroeder
Spear	Sturgeon	Swartz	Tofte
Welden	Welsh	Mr. Speaker	

The nays were, 62:

Anderson, J.	Arnould	Binneboese	Branstad
Byerly	Clark, B. J.	Clark, J. H.	Clements
Conlon	Copenhaver	Corey	Crabb
Daggett	Danker	De Groot	Dieleman
Diemer	Fey	Gettings	Groth
Hall	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Loneragan	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Renaud	Renken	Running	Schnekloth
Shull	Smith	Stueland	Sullivan
Swearingen	Trucano	Tyrrell	Van Maanen
Walter	Woods		

Absent or not voting, 3:

Johnson, J.	Lloyd-Jones	Smalley
-------------	-------------	---------

The bill, having failed to receive a constitutional majority was declared to have failed to pass the House.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2494, a bill for an act appropriating funds for capital expenditures to the state conservation commission, with report of

committee recommending passage was taken up for consideration.

Welden of Hardin offered the following amendment H—5947 filed by Welden and Tofte from the floor and moved its adoption:

H—5947

- 1 Amend House File 2494 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "necessary" the words "to be expended by the commission
- 4 for projects highest on the priority list submitted to the
- 5 joint appropriations subcommittee and approved by the
- 6 commission".

Amendment H—5947 was adopted.

Smalley of Polk offered the following amendment H—5938 filed by him from the floor and moved its adoption:

H—5938

- 1 Amend House File 2494 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "purposes" the words "or for the open spaces land
- 4 acquisition program".

Amendment H—5938 was adopted.

Avenson of Fayette offered the following amendment H—5941 filed by him from the floor and moved its adoption:

H—5941

- 1 Amend House File 2494 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "purposes." the words "So much of the funds
- 4 appropriated by this section as are necessary shall
- 5 be used to open an east access road to the Volga
- 6 river recreation area."

Roll call was requested by Avenson of Fayette and Norland of Worth.

On the question "Shall amendment H—5941 be adopted?"

The ayes were, 48:

Anderson, R.

Arnould

Avenson

Baxter

Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Hanson, D.	Horn
Howell	Jay	Jochum	Knapp
Lind	Loneragan	Norland	O'Kane
Oxley	Pavich	Pelton	Poncy
Rapp	Renaud	Rosenberg	Running
Schroeder	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Shull
Smalley	Smith	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 2:

Johnson, J. Lloyd-Jones

Amendment H—5941 lost.

The following amendment H—5949 filed by Tofte of Winneshiek from the floor was adopted by unanimous consent:

H—5949

- 1 Amend House File 2494, as follows:
- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting in lieu thereof the following: "An Act
- 4 appropriating funds to the state conservation
- 5 commission for capital expenditures and land
- 6 acquisition."

Tofte of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2494)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Howell
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Loneragan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 3:

Branstad	Gross	Schnekloth
----------	-------	------------

Absent or not voting, 2:

Chiodo	Lloyd-Jones
--------	-------------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

UNANIMOUS CONSENT TO VOTE

Tofte of Winneshiek asked and received unanimous consent to be recorded as voting "aye" on House File 2494.

The vote was so recorded.

The House resumed consideration of **House File 2493**, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program.

Spear of Lee offered the following amendment H—5946 filed by him from the floor and moved its adoption:

H—5946

- 1 Amend House File 2493 as follows:
- 2 1. Page 3, line 30, by inserting after the word
- 3 "victim" the words "unless the cost of the examination
- 4 is payable as a benefit under an insurance policy
- 5 or subscriber contract covering the victim or the
- 6 cost is payable by a health maintenance organization".

Amendment H—5946 was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2493)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley

Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 3:

Brandt	Doderer	Ritsema
--------	---------	---------

Absent or not voting, 2:

Lloyd-Jones	Tofte
-------------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE

(House File 2493)

Hansen of O'Brien asked and received unanimous consent to immediately message House File 2493 to the Senate.

IMMEDIATE MESSAGE

Pope of Polk asked and received unanimous consent to immediately message the following bills to the Senate: House Joint Resolution 2003, House Files 2426, 2481, 2490, 2491 and 2494 and Senate File 2305.

HOUSE RULE 61 SUSPENDED

Welden of Hardin asked and received unanimous consent to suspend House Rule 61 for a committee on appropriations meeting.

HOUSE RULE 2 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 2 to permit session beyond 6:00 p.m.

INTRODUCTION OF BILLS

House File 2495, by committee on ways and means, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

Read first time and referred to committee on **ways and means**.

House File 2496, by committee on ways and means, a bill for an act relating to the establishment of a corn storage facility loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, increasing the bonding limit of the authority, making coordinating amendments, and making it effective upon publication.

Read first time and referred to committee on **ways and means**.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2309, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive.

K. MARIE THAYER, Secretary

The House stood at recess at 5:42 p.m., until the fall of the gavel.

The House resumed session at 8:52 p.m., Mullins of Kossuth in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 22, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Also: That the members of the conference committee on House File 2250, a bill for

an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, on the part of the Senate, appointed April 22, 1982, are: The Senator from Muscatine, Senator Drake, Chair; the Senator from Poweshiek, Senator Brown; the Senator from Black Hawk, Senator Comito; the Senator from Bremer, Senator Jensen; and the Senator from Cerro Gordo, Senator Miller.

Also: That the members of the conference committee on House File 2460, a bill for an act to amend the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel, on the part of the Senate, appointed April 22, 1982, are: The Senator from Story, Senator Murray, Chair; the Senator from Webster, Senator Coleman; the Senator from Polk, Senator Gentleman; the Senator from Clarke, Senator Ramsey; and the Senator from Linn, Senator Rush.

K. MARIE THAYER, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2304, by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Read first time and referred to committee on **appropriations**.

Senate File 2309, by committee on ways and means, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive.

Read first time and **passed on file**.

HOUSE CONCURRENT RESOLUTION 150

By Clark of Lee, Krewson, Norland, Pelton, Mullins, Connolly,
Pavich, Doderer, Poffenberger, Egenes and Trucano

1. *Whereas*, the 1979 Session of the Iowa General
2. Assembly adopted Senate Joint Resolution No. 1, a
3. resolution calling upon Congress to convene a
4. national constitutional convention for the purpose
5. of proposing an amendment to the United States
6. Constitution which would require a federal balanced
7. budget; and
8. *Whereas*, the General Assembly of Iowa, realizes
9. that the nation is perilously close to a situation
10. in which the requisite number of states may appear
11. to have called upon Congress to convene a constitutional
12. convention; and

13 *Whereas*, there exists no adequate mechanism for
14 determining which, if any, of these convention calls
15 are legally effective and how such convention calls
16 are to be combined; and

17 *Whereas*, the power of, and limits upon, any constitu-
18 tional convention are matters of great controversy;
19 and

20 *Whereas*, we believe that the President and the
21 Congress, using rigorous fiscal discipline can produce
22 a balanced federal budget; and

23 *Whereas*, upon reflection, it is clear that this should
24 not be the occasion on which the first constitutional
25 convention since 1787 is convened; *Now Therefore*,

26 *Be It Resolved by the House of Representatives, the*
27 *Senate Concurring*, That the Iowa General Assembly hereby
28 repeals Senate Joint Resolution No. 1 and the request for
29 a constitutional convention is hereby withdrawn; and

30 *Be It Further Resolved*, That Iowa be recorded as

Page 2

1 favoring the adoption by the Congress of the United

2 States of a responsible, balanced budget; and

3 *Be It Further Resolved*, That the Secretary of State
4 of Iowa is directed to send a copy of this Resolution to the
5 Clerk of the United States House of Representatives and
6 the Secretary of the United States Senate.

Laid over under Rule 30.

HOUSE CONCURRENT RESOLUTION 151

By Rosenberg, Bruner, Halvorson of Webster, Jay, Doderer,
Arnould, Baxter, Avenson, Swartz, Fey, Davitt and Knapp

1 *Whereas*, many veterans were exposed to radiation during
2 the occupation of Hiroshima and Nagasaki and during United
3 States nuclear weapons testing; and

4 *Whereas*, many of these veterans are now suffering from
5 cancer and other diseases at a statistically significant
6 higher level than veterans not so exposed; and

7 *Whereas*, the United States Veterans Administration
8 generally denies disability claims based on these radiation
9 exposures; *Now Therefore*,

10 *Be It Resolved by the House of Representatives, the*
11 *Senate Concurring*, That the Iowa General Assembly urges
12 the United States Congress to enact legislation recognizing
13 service-connected disability claims based upon these
14 radiation exposures, enabling these veterans to receive
15 adequate and proper medical treatment, and providing families
16 of these veterans with medical and financial aid after their
17 deaths; and

- 18 *Be It Further Resolved*, That copies of this resolution be
19 transmitted to each member of the Iowa congressional delegation.

Laid over under Rule 30.

SPONSOR WITHDRAWN
(House Concurrent Resolution 146)

Renaud of Polk requested to be withdrawn as a sponsor of House Concurrent Resolution 146.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 1982, he approved and transmitted to the Secretary of State the following bills:

Senate File 460, an act relating to the purposes for which funds from a tax levied by a county can be used by a nonprofit historical society.

Senate File 578, an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

Senate File 2156, an act relating to the issuance of certificates of title by the Clerk of the District Court.

Senate File 2172, an act relating to the electronic transfer of funds.

Senate File 2238, an act relating to the levy of a property tax for fire protection and ambulance service by a township having a common boundary with a city having a population of one hundred eighty thousand or more.

Senate File 2242, an act relating to a life insurance company's investment of funds for legal reserve purposes.

Senate File 2267, an act to legalize and validate the proceedings of the board of directors of the Iowa Western Community College (merged Area XIII) in the counties of Adair, Adams, Audubon, Cass, Crawford, Fremont, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie and Shelby in connection with certain contracts to construct and to lease facilities with purchase option effective upon publication.

Senate File 2273, an act relating to balancing the unemployment compensation trust fund and repaying any loans made by the federal government to Iowa for the payment of unemployment compensation benefits.

Senate File 2281, an act relating to the contract price for construction of a public improvement which requires a bond.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 22nd day of April, 1982: House Files 2154, 2365, 2420, 2425, 2454, 2457, 2461, 2465 and 2469.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-three seventh grade students from Manson Community School, Manson, accompanied by Gary Mays. By Maulsby of Calhoun.

Sixty twelfth grade students from Nora Springs-Rock Falls Junior Senior High School, Nora Springs, accompanied by Frank Altman. By Howell of Floyd.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 758 Ways and Means

Relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

ELIZABETH A. ISAACSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill, relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in Acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program.

Fiscal Note is not required.

Recommended Do Pass.

Committee Bill, appropriating funds for capital expenditures to the state conservation commission.

Fiscal Note is not required.

Recommended Do Pass.

COMMITTEE ON WAYS AND MEANS

Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by providing that property sold or used within the meaning of the processing exemption includes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this Act, and making it retroactive.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H — 5939.

Senate File 2251, a bill for an act relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas.

Fiscal Note is required.

Recommended Do Pass.

Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

Fiscal Note is required.

Recommended Do Pass.

Committee Bill (Formerly Study Bill 755, as amended), relating to the establishment of a corn storage facility loan program by the Iowa family farm development

authority, allowing the authority to issue its bonds and notes for the program, increasing the bonding limit of the authority, making coordinating amendments and making it effective upon publication.

Fiscal Note is required.

Recommended **Do Pass**.

Committee Bill (Formerly Study Bill 758), relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

Fiscal Note is required.

Recommended **Do Pass**.

AMENDMENTS FILED

H—5939	S.F. 2153	Committee on
		Ways and Means
H—5948	S.F. 2302	Groth of Buena Vista
H—5950	H.F. 2479	Bruner of Story
		Poffenberger of Dallas
		Egenes of Story
		Ritsema of Sioux
		McKean of Jones
		Clark of Cerro Gordo

On motion by Pope of Polk, the House adjourned at 8:55 p.m., until 9:00 a.m., Friday, April 23, 1982.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day — Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 23, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Reverend Melecio Valdez, pastor of the Galva-Silver Creek United Methodist Church, Galva.

The Journal of Thursday, April 22, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson on request of Avenson of Fayette.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and place House File 2495 on the Daily Debate Calendar for Friday, April 23, 1982.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2090, a bill for an act relating to hours of laboratory instruction required for completion of a driver education course.

Also: That the Senate has on April 23, 1982, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances.

K. MARIE THAYER, Secretary

Also: That the Senate has, on April 23, 1982, insisted on its Senate amendment to the House amendment to Senate File 2245, a bill for an Act extending the operation of the department of substance abuse and striking the exemption of a program receiving state dollars from inspections by the department, and the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Gentleman, Chair; the Senator from Cerro Gordo, Senator A. Miller; the Senator from Des Moines, Senator C. Miller; the Senator from Osceola, Senator Vande Hoef, and the Senator from Wapello, Senator Yenger.

K. MARIE THAYER, Secretary

The House stood at ease at 9:10 a.m. until the fall of the gavel.

The House resumed session at 11:56 a.m., Speaker Stromer in the chair.

PRESENTATION OF MISS TEENWORLD

Holt of Clay presented to the House Cara Lyn Klein who was selected as Miss Teenworld for 1982. She was accompanied by her parents Dr. and Mrs. Alfred Klein and her sister Tricia. Cara was chosen from winners in each state and Puerto Rico.

She was escorted to the Speaker's rostrum where she addressed the House briefly.

The House rose with a warm welcome.

On motion by Pope of Polk, the House was recessed at 12:00 noon, until 1:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Stromer in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2495, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5953 filed by Schroeder, Tofte and Clark of Lee from the floor and moved its adoption:

H-5953

- 1 Amend House File 2495, as follows:
- 2 1. By striking page 1, line 35, through page
- 3 2, line 9.
- 4 2. By renumbering to conform to this amendment.

Amendment H-5953 was adopted.

Clark of Lee offered the following amendment H-5963 filed by him from the floor and moved its adoption:

H-5963

- 1 Amend House File 2495 as follows:
- 2 1. Page 2, line 16, by striking the words "city
- 3 treasurer" and inserting in lieu thereof the words
- 4 "city clerk".
- 5 2. Page 2, line 17, by striking the word
- 6 "treasurer" and inserting in lieu thereof the word
- 7 "clerk".

Amendment H-5963 was adopted.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty members present and forty absent.

Schnekloth of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2495)

The ayes were, 91:

Anderson, J.	Anderson, R.	Arnould	Avenson
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.

Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poncy	Pope
Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Baxter	Cannolly	Egenes	Howell
Lloyd-Jones	Poffenberger	Rapp	Smith
Welsh			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smith of Scott on request of Hoffmann-Bright of Muscatine.

SENATE AMENDMENT CONSIDERED

House Insists

Ritsema of Sioux called up for consideration **House File 2369**, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, and moved that the House insist on its amendment.

The motion prevailed and the House insisted on its amendment.

CONFERENCE COMMITTEE APPOINTED
(House File 2369)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2369; Ritsema of Sioux, Chair; Clark of Cerro Gordo, Corey of Louisa, Welsh of Dubuque and Jay of Appanoose.

SENATE AMENDMENT CONSIDERED
House Concurs

Daggett of Taylor called up for consideration House File 2090, a bill for an act relating to the hours of laboratory instruction required for completion of a driver education course, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-5962

1 Amend House File 2090, as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 12 the
4 following:

5 "Notwithstanding section 282.6, the board of
6 directors may charge a fee for covering the costs
7 of a driver education program except for the cost
8 of the instructor. The board may, in a hardship case,
9 exempt a student from payment of the fee for driver
10 education."

11 2. Page 1, by inserting after line 12 the
12 following:

13 "Sec. . Section 321.178, subsection 1,
14 unnumbered paragraph 2, Code 1981, is amended to read
15 as follows:

16 Every public school district in Iowa shall offer
17 or make available to all students residing in the
18 school district or Iowa students attending a nonpublic
19 school in the district an approved course in driver
20 education. Said The courses may be offered at sites
21 other than at the public school, including nonpublic
22 school facilities within the public school districts.
23 An approved course offered during the summer months,
24 on Saturdays, after regular school hours during the
25 regular terms or partly in one term or summer vacation
26 period and partly in the succeeding term or summer
27 vacation period, as the case may be, shall satisfy
28 the requirements of this section to the same extent

29 as an approved course offered during the regular
30 school hours of the school term. A student who
31 successfully completes and obtains certification in
32 an approved course in driver education or an approved
33 course in motor cycle education may, upon proof of
34 such fact, be excused from any field test which he
35 the student would otherwise be required to take in
36 demonstrating his the student's ability to operate
37 a motor vehicle."

38 3. Renumber as necessary.

39 4. Title page, line 2, by inserting after the
40 word "of" the words "and permitting a fee to be charged
41 for".

Daggett of Taylor offered the following amendment H—5972, to amendment H—5962, filed by Daggett and Hummel from the floor and moved its adoption:

H—5972

- 1 Amend amendment H—5962, the Senate amendment to
- 2 House File 2090, as follows:
- 3 1. Page 1, by striking lines 3 through 10.
- 4 2. Page 1, by striking lines 39 through 41.
- 5 3. By renumbering as necessary.

Amendment H—5972, to the Senate amendment H—5962, was adopted.

On motion by Daggett of Taylor the House concurred in the Senate amendment H—5962, as amended.

Daggett of Taylor moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2090)

The ayes were, 89:

Anderson, J.
Baxter
Branstad
Chiodo
Cochran
Cook
Daggett

Anderson, R.
Bennett
Bruner
Clark, B. J.
Conlon
Copenhaver
Danker

Arnould
Binneboese
Carl
Clark, J. H.
Connolly
Corey
Davitt

Avenson
Brandt
Carpenter
Clements
Connors
Crabb
De Groot

Dieleman	Diemer	Doderer	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Hoffmann-Bright	Holt	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renken	Ritsema	Rosenberg	Schnekloth
Schroeder	Shull	Smalley	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Woods
Mr. Speaker			

The nays were, 3:

Renaud	Running	Welsh
--------	---------	-------

Absent or not voting, 8:

Byerly	Egenes	Harbor	Horn
Howell	Krewson	Lloyd-Jones	Smith

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2091, a bill for an act relating to the increase of the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty.

Also: That the members of the conference committee on House File 2369, a bill for an Act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, on the part of the Senate, appointed April 23, 1982, are: The Senator from Linn, Senator Kudart, Chair; the Senator from Dubuque, Senator Carr; the Senator from Sioux, Senator DeKoster; the Senator from

Marshall, Senator Lura; and the Senator from Johnson, Senator Small.

K. MARIE THAYER, Secretary

The House stood at ease at 1:40 p.m., until the fall of the gavel.

The House resumed session at 4:08 p.m., Speaker Stromer in the chair.

COMMITTEE RECOMMENDATION

COMMITTEE ON APPROPRIATIONS

Senate File 2304, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5991**.

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2304, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983, with report of committee recommending amendment and passage was taken up for consideration.

Welden of Hardin offered amendment H—5991 filed by the committee on appropriations as follows:

H—5991

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 32 through 34, and
- 4 inserting in lieu thereof the following:
- 5 "The department may provide television channels
- 6 to inmates, and shall suspend access to television
- 7 as a disciplinary measure."
- 8 2. Page 4, by striking line 10, and inserting
- 9 in lieu thereof the following:
- 10 "vices other than at the women's
- 11 reformatory at Rockwell City \$ 650,000 \$ 800,000".
- 12 3. Page 6, line 11, by striking the word "five"
- 13 and inserting in lieu thereof the word "ten".
- 14 4. Page 19, lines 13 and 14, by striking the words

- 15 " , a transitional bilingual, or other" and inserting
- 16 in lieu thereof the words " , a transitional bilingual,
- 17 or other a".
- 18 5. Page 19, lines 21 and 22, by striking the words
- 19 " , a transitional bilingual or other" and inserting
- 20 in lieu thereof the words " , a transitional bilingual
- 21 or other a".
- 22 6. Page 22, line 12, by striking the words "low-
- 23 income person", and inserting in lieu thereof the
- 24 words "'low-income person" "
- 25 7. Page 25, line 14, by striking the word "Ten"
- 26 and inserting in lieu thereof the word "Fifteen".
- 27 8. Page 26, line 5, by striking the word "ten"
- 28 and inserting in lieu thereof the word "fifteen".
- 29 9. Page 32, by inserting after line 35 the
- 30 following new section:
- 31 "Sec. . There is appropriated from the general
- 32 fund of the state to the department of revenue for
- 33 the fiscal year beginning July 1, 1982 and ending
- 34 June 30, 1983, the sum of twenty-five thousand (25,000)
- 35 dollars, or so much thereof as may be necessary, to
- 36 conduct a study of the stress days and grain price
- 37 differentials for use in determining agricultural
- 38 productivity for purposes of valuing agricultural
- 39 land and implementation of the study results by the
- 40 department in the equalization order to be issued
- 41 by the department of revenue for the January 1, 1983
- 42 valuations."
- 43 10. Page 35, line 10, by inserting after the word
- 44 "staff" the words "of not less than two full-time
- 45 equivalent positions and necessary support with funds
- 46 appropriated under this subparagraph".
- 47 11. Page 38, by striking line 34 and inserting
- 48 in lieu thereof the words "state to the office of
- 49 the governor for the".
- 50 12. Page 39, by inserting before line 4 the

Page 2

- 1 following:
- 2 "Sec. 1000. COMMUNITY WORK PROGRAM FOR UNEMPLOYED
- 3 PARENTS. The department of social services shall
- 4 establish a community work program in each county
- 5 for unemployed parents for the fiscal year beginning
- 6 July 1, 1982, and ending June 30, 1983 by contracting
- 7 with county boards of supervisors or another local
- 8 organization designated by both the county board of
- 9 supervisors and the department of social services.
- 10 At the time of determining eligibility for the
- 11 unemployed parents program under the aid to families
- 12 with dependent children program pursuant to section

13 89 of this Act, the department of social services
14 shall determine whether the principal wage earner
15 is eligible for work under the community work program.
16 The county boards of supervisors or the designated
17 local organizations shall work with community groups
18 concerned with the delivery of local services to
19 develop work assignments in order to fully utilize
20 public resources to meet public needs and to allow
21 unemployed parents to contribute to the betterment
22 of the community. The county board of supervisors
23 or the designated local organizations shall assign
24 participants in the community work program to work
25 in accordance with applicable federal regulations.
26 The work assignments may be with governmental entities,
27 including school districts, and with nonprofit agencies
28 and organizations. The work assignments shall maintain
29 the dignity of the participants and shall be of benefit
30 to the community."

31 13. Page 40, by striking line 5 and inserting
32 in lieu thereof the figure "55,500,000".

33 14. Page 40, by striking lines 11 through 28 and
34 inserting in lieu thereof the following: "eligible
35 group. Medical assistance shall only be available
36 to individuals included in the eligible group. The
37 department of social services shall request a waiver
38 from the United States department of health and human
39 services to limit grants under the unemployed parent
40 program to six months for any eligible group.

41 The department of social services shall require
42 income maintenance workers, at the time of their
43 review of unemployed parents' monthly reports, to
44 monitor the job search, application, and acceptance
45 requirements under the community work program which
46 shall at a minimum require unemployed parents to meet
47 the job search, application, and acceptance
48 requirements necessary to receive unemployment
49 compensation benefits under the Iowa administrative
50 code 370-4.22(1)"c" and section 96.5, subsection 3.

Page 3

1 However, only the suitable work reference in section
2 96.5, subsection 3, paragraph a, subparagraph (4)
3 shall apply. In addition, the unemployed parents
4 shall accept work assignments established under the
5 community work program for unemployed parents under
6 section 1000 of this Act."

7 15. Page 40, by inserting after line 31 the
8 following:

9 NEW PARAGRAPH. The department of social services
10 shall exercise the option allowed by federal law to

11 provide benefits under the aid to families with
12 dependent children program to eighteen year old
13 students, notwithstanding section 239.1, subsection
14 #3, as amended by Acts of the Sixty-ninth General
15 Assembly, 1981 Session, chapter 7, section 12."

16 16. Page 43, by striking line 11, and inserting
17 in lieu thereof the figure "113,830,000".

18 17. Page 43, by inserting after line 11 the
19 following:

20 "Of the funds appropriated in this subsection for
21 the fiscal year beginning July 1, 1982, and ending
22 June 30, 1983, thirty thousand (30,000) dollars, or
23 so much thereof as is necessary, shall be expended
24 by the department of social services for additional
25 staffing in the third party liability unit of the
26 bureau of medical services. The department shall
27 conduct investigations to determine the availability
28 of workers' compensation, medicare, major medical
29 insurance, and other third party liability sources
30 for payment of medical assistance claims. The
31 department shall pursue recovery of funds from third
32 party liability sources when the sources are available
33 and shall pursue benefits from insurance policies
34 carried by absent parents through coordination with
35 the child support recovery program. State's share
36 of funds recouped through these efforts shall be
37 returned to the medical assistance program.

38 18. Page 44, by inserting after line 29 the
39 following:

40 "Sec. . The department of social services shall
41 report to the general assembly meeting in the year
42 1983 on the impact of the elimination of medical
43 assistance to children under twenty-one years of age
44 who meet all eligible criteria of the aid to families
45 with dependent children program except that the
46 children are not deprived of parental support. The
47 report shall include the impact on these children
48 and their families of the reinstatement of the
49 'unemployed parent program and the establishment of
50 the community work program, as well as the impact

Page 4

1 of all three changes on county general relief and
2 county public health funds."

3 19. Page 47, by striking line 10 and inserting
4 in lieu thereof the figure "1,754,000".

5 20. Page 52, by inserting after line 18 the
6 following:

7 "Sec. . There is appropriated from the general
8 fund of the state for the fiscal period beginning

9 July 1, 1982, and ending June 30, 1983, to the
10 department of social services three hundred thousand
11 (300,000) dollars, or so much thereof as is necessary,
12 to be allocated to the counties through the
13 department's district offices for sheltered work and
14 work activity services, provided all of the following
15 conditions are met:

16 1. The counties shall match every three dollars
17 of funds allocated to the counties under this section
18 with one dollar of local funds.

19 2. The funds shall not be used for other than
20 sheltered work and work activity services.

21 3. The department of social services, in
22 establishing eligibility standards for sheltered work
23 and work activity services, shall disregard the first
24 sixty-five dollars of income from sheltered work or
25 work activity services and fifty percent of any income
26 from sheltered work or work activity services above
27 sixty-five dollars.

28 The district administrator may transfer funds among
29 the counties in the district if a county does not
30 use all of the funds allocated to the county under
31 this section. The funds shall not be used for other
32 than sheltered work and work activity services."

33 21. Page 54, by inserting after line 2 the
34 following;

35 "Sec. . There is appropriated from the general
36 fund of the state for the fiscal period beginning
37 January 1, 1983, and ending June 30, 1983, to the
38 department of social services, two hundred thousand
39 (200,000) dollars, or so much thereof as is necessary,
40 for the development and operation of a dependent adult
41 abuse program by the community services division.

42 The department of social services, on January 1,
43 1983 or as soon thereafter as practicable, shall
44 establish a program relating to the providing of
45 services in cases of dependent adult abuse. The
46 program shall emphasize the reporting and evaluation
47 of dependent adult abuse of an adult who is unable
48 to protect his or her own interests or unable to
49 perform or obtain essential services. For the purposes
50 of the program "dependent adult abuse" means:

Page 5

1 1. Any of the following as a result of the willful
2 or negligent acts or omissions of a caretaker:

3 a. Physical injury to or unreasonable confinement
4 or cruel punishment of a dependent adult.

5 b. The commission of a sexual offense under chapter
6 709 or section 726.2 with or to a dependent adult.

7 c. Exploitation of a dependent adult which means
8 the act or process of taking unfair advantage of a
9 dependent adult or the adult's physical or financial
10 resources for one's own personal or pecuniary profit
11 by the use of undue influence, harassment, duress,
12 deception, false representation, or false pretenses.
13 d. The deprivation of the minimum food, shelter,
14 clothing, supervision, physical and mental health
15 care, and other care necessary to maintain a dependent
16 adult's life or health.
17 2. The deprivation of the minimum food, shelter,
18 clothing, supervision, physical and mental health
19 care, and other care necessary to maintain a dependent
20 adult's life or health as a result of the acts or
21 omissions of the dependent adult.

22 A person who believes that a dependent adult has
23 suffered abuse may report the suspected abuse to the
24 department of social services.

25 The department shall receive dependent adult abuse
26 reports and shall collect, maintain, and disseminate
27 the reports in a statewide registry and shall inform
28 the appropriate county attorneys of any reports.
29 The department shall evaluate the reports
30 expeditiously. However, the state department of
31 health is solely responsible for the evaluation and
32 disposition of adult abuse cases within health care
33 facilities and shall inform the department of social
34 services of such evaluations and dispositions.

35 For purposes of the dependent adult abuse program
36 the department of social services shall expand the
37 central registry for child abuse to include reports
38 of dependent adult abuse and chapter 235A shall apply
39 to the statewide registry for dependent adult abuse.

40 The department of social services shall complete
41 an assessment of needed services, shall make
42 appropriate referrals to services, and in the best
43 interest of the dependent adult shall initiate court
44 action for the appointment of a guardian or conservator
45 or for admission or commitment to an appropriate
46 institution or facility.

47 The department may provide necessary protective
48 services and may establish a sliding fee schedule
49 for those persons able to pay a portion of the
50 protective services provided.

Page 6

1 The department shall submit a final report by
2 January 1, 1984 to the governor and the senate and
3 house committees on human resources reporting its
4 findings and recommendations regarding the continuance

5 of a state dependent adult abuse program.

6 For purposes of this program and upon showing of
7 probable cause that a dependent adult has been abused,
8 a district court may authorize a person, authorized
9 by the department, to make an evaluation, to enter
10 the residence of, and to examine the dependent adult.

11 A person participating in good faith in reporting
12 or cooperating or assisting the department in
13 evaluating a case of dependent adult abuse has immunity
14 from liability, civil or criminal, which might
15 otherwise be incurred or imposed based upon the act
16 of making the report or giving the assistance. The
17 person has the same immunity with respect to
18 participation in good faith in a judicial proceeding
19 resulting from the report or assistance or relating
20 to the subject matter of the report or assistance.

21 The department shall adopt rules pursuant to chapter
22 17A to implement the dependent adult abuse program."

23 22. Page 57, line 2, by inserting after the word
24 "the" the words: "community work program for
25 unemployed parents, the".

26 23. Page 57, line 10, by striking the word and
27 figure "and 102" and inserting in lieu thereof the
28 word and figures "102, and 1000".

29 24. Page 58, line 32, by striking the word
30 "capital" and inserting in lieu thereof the word
31 "capitol".

32 25. By numbering and renumbering and correcting
33 internal references as necessary.

"Speaker pro tempore Menke of O'Brien in the chair at 4:13 p.m.

Hansen of O'Brien offered the following amendment H-6005, to
amendment H-5991, filed by him from the floor and moved its
adoption:

H-6005

1 Amend the amendment, H-5991, to Senate File 2304
2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 2, by inserting after line 30 the
5 following:

6 "The state shall provide workers' compensation
7 benefits under chapters 85, 85A, 85B, and 86 to
8 participants in the community work program and those
9 chapters shall be exclusive, compulsory, and obligatory
10 upon the state and the participants in the community
11 work program."

Amendment H—6005, to the committee amendment H—5991, was adopted.

Van Maanen of Mahaska offered amendment H—6006, to amendment H—5991, filed by him from the floor as follows:

H—6006

- 1 Amend the amendment, H—5991, to Senate File 2304,
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 34, by inserting before the word
- 5 "eligible" the words "ending June 30, 1983, the
- 6 department of social services shall provide benefits
- 7 under an unemployed parent program under the aid to
- 8 families with dependent children program. In
- 9 determining the amount of a grant under the program,
- 10 the spouse of an unemployed parent shall be excluded
- 11 from the".

Van Maanen of Mahaska asked and received unanimous consent to temporarily defer action on amendment H—6006.

CONFERENCE COMMITTEE APPOINTED (Senate File 2245)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2245: Gross of Ringgold, Chair; Daggett of Taylor, De Groot of Lyon, Lonergan of Boone and Carl of Poweshiek.

Jochum of Dubuque offered the following amendment H—6008, to amendment H—5991, filed by Jochum and Doderer from the floor and moved its adoption:

H—6008

- 1 Amend the amendment, H—5991, to Senate File 2304
- 2 as amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 32, by striking the figure
- 5 "55,500,000" and inserting in lieu thereof the figure
- 6 "54,684,000".
- 7 2. Page 2, line 34, by inserting before the word
- 8 "eligible" the words "ending March 31, 1983, the
- 9 department of social services shall provide benefits

10 under an unemployed parent program under the aid to
 11 families with dependent children program. In
 12 determining the amount of a grant under the program,
 13 the spouse of an unemployed parent shall be excluded
 14 from the".

15 3. Page 2, lines 35 and 36, by striking the words
 16 "only, be available to individuals included in the
 17 eligible group", and inserting in lieu thereof the
 18 words "be available to the spouse of an unemployed
 19 parent".

20 4. Page 3, by striking line 17 and inserting in
 21 lieu thereof the following: "in lieu thereof the
 22 following: "113,909,000

23 Medical assistance shall be made available,
 24 beginning July 1, 1982 and ending March 31, 1983,
 25 to children under twenty-one years of age who meet
 26 all eligible criteria of the aid to families with
 27 dependent children program except that the children
 28 are not deprived of parental support."

29 5. Page 3, by inserting after line 37 the
 30 following:

31 " . Page 43, by striking line 15 and inserting
 32 in lieu thereof the words and figures "fourteen
 33 thousand (14,000) dollars, or so much".

34 6. Page 4, by striking line 4 and inserting in
 35 lieu thereof the word and figure "in lieu thereof
 36 the figure "1,739,000".

Roll call was requested by Jochum of Dubuque and Anderson of Jasper.

Rule 80 was invoked.

On the question "Shall amendment H—6008 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Howell
Jay	Jochum	Knapp	Lonergan
Mann	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh	Woods		

The nays were, 51:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Maulsby	McKean
Mullins	Pellett	Petrick	Poffenberger
Pope	Renken	Ritsema	Schneklath
Schroeder	Shull	Smalley	Stromer
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Welden	Mr. Speaker (Menke)	

Absent or not voting, 3:

Lloyd-Jones Pelton Smith

Amendment H—6008, to the committee amendment H—5991, lost.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1982, amended and passed the following joint resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2003, relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Also: That the Senate has on April 23, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2477, a bill for an act appropriating federal funds made available from federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded.

Also: That the Senate has on April 23, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2482, a bill for an act appropriating federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication.

K. MARIE THAYER, Secretary

HOUSE RULES 2 AND 15 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 2 and 15 to permit session beyond 6:00 p.m., and food in the chamber.

Arnould of Scott offered the following amendment H—5999, to amendment H—5991, filed by him from the floor and moved its adoption:

H—5999

- 1 Amend amendment H—5991 to Senate File 2304 as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by inserting after line 21 the
- 5 following:
- 6 "Adult abuse does not include depriving a dependent
- 7 adult of medical treatment if the dependent adult
- 8 is an adherent of a religion whose tenets and practices
- 9 call for reliance on spiritual means through prayer
- 10 alone in place of reliance on medical treatment."

Amendment H—5999, to the committee amendment H—5991, was adopted.

Lageschulte of Bremer asked and received unanimous consent to defer action on amendment H—6015 in order to consider amendment H—6009.

Schnekloth of Scott offered the following amendment H—6009, to amendment H—5991, filed by Schnekloth, et al., from the floor and moved its adoption:

H—6009

- 1 Amend amendment H—5991 to Senate File 2304 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 29 through 42.
- 5 2. By renumbering as necessary.

Roll call was requested by Schroeder of Pottawattamie and Norland of Worth.

Rule 80 was invoked.

On the question "Shall amendment H—6009 be adopted?"

The ayes were, 46:

Arnould	Avenson	Baxter	Branstad
Carl	Carpenter	Clark, J. H.	Clements
Conlon	Connolly	Cook	Copenhaver
Corey	Egenes	Fey	Gettings
Hall	Hansen, I.	Hanson, D.	Hoffmann-Bright
Horn	Jochum	Johnson, R.	Knapp
Lageschulte	Lind	Maulsby	McKean
Mullins	Oxley	Pelton	Petrick
Poncy	Renken	Ritsema	Running
Schnekloth	Smalley	Spear	Stueland
Sullivan	Swearingen	Tofte	Tyrrell
Weiden	Welsh		

The nays were, 52:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Brandt	Bruner	Chiodo	Clark, B. J.
Cochran	Cochran	Connors	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Gross
Groth	Halvorson, R. A.	Halvorson, R. N.	Harbor
Holt	Howell	Hummel	Jay
Johnson, J.	Johnson, W.	Krewson	Loneragan
Mann	Norland	O'Kane	Pavich
Pellett	Poffenberger	Pope	Rapp
Renaud	Rosenberg	Schroeder	Shull
Stromer	Sturgeon	Swartz	Trucano
Van Maanen	Walter	Woods	Mr. Speaker (Menke)

Absent or not voting, 2:

Lloyd-Jones	Smith
-------------	-------

Amendment H—6009, to the committee amendment H—5991, lost.

Speaker Stromer in the chair at 6:25 p.m.

Lageschulte of Bremer offered the following amendment H—6015, to amendment H—5991, filed by Lageschulte, et al., from the floor and moved its adoption:

H—6015

- 1 . Amend amendment H—5991, the Committee on Appropriations
- 2 amendment to Senate File 2304, as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 39 through 42, and
- 5 inserting in lieu thereof the following: "land." "

Roll call was requested by Schroeder of Pottawattamie and Pavich of Pottawattamie.

On the question "Shall amendment H—6015 be adopted?"

The ayes were, 68:

Arnould	Avenson	Baxter	Bennett
Brandt	Branstad	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Davitt
De Groot	Diemer	Egenes	Fey
Gettings	Gross	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Horn
Howell	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Knapp	Lageschulte
Lind	Maulsby	McKean	Mullins
Norland	Oxley	Pelton	Petrick
Poffenberger	Poncy	Rapp	Renaud
Renken	Ritsema	Running	Schneklloth
Shull	Smalley	Spear	Sullivan
Swartz	Swearingen	Tofte	Tyrrell
Welden	Welsh	Woods	Mr. Speaker

The nays were, 24:

Anderson, J.	Anderson, R.	Binneboese	Bruner
Cochran	Daggett	Danker	Dieleman
Doderer	Groth	Halvorson, R. N.	Harbor
Krewson	Loneragan	Mann	O'Kane
Pavich	Pellett	Rosenberg	Schroeder
Sturgeon	Trucano	Van Maanen	Walter

Absent or not voting, 8:

Connors	Holt	Johnson, W.	Lloyd-Jones
Menke	Pope	Smith	Stueland

Amendment H—6015, to the committee amendment H—5991, was adopted.

Welden of Hardin offered the following amendment H—6027, to amendment H—5991, filed by him from the floor and moved its adoption:

H—6027

- 1 Amend amendment H—5991 to Senate File 2304, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 6, by adding after the word
- 5 “contracting” the following: “at reasonable cost”.

Amendment H—6027, to the committee amendment H—5991, was adopted.

Van Maanen of Mahaska called up for consideration amendment H—6006, to amendment H—5991, found on page 1711 of the House Journal and moved its adoption.

Amendment H—6006, to the committee amendment H—5991, was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—6024 filed by him from the floor.

MOTION TO RECONSIDER LOST

Norland of Worth called up for consideration the motion to reconsider amendment H—6015, to the committee amendment H—5991, (to Senate File 2304) filed by him from the floor and found on page 1716 of the House Journal and moved to reconsider the vote by which amendment H—6015 was adopted on April 23, 1982.

Roll call was requested by Oxley of Linn and Norland of Worth.

On the question “Shall amendment H—6015 be reconsidered?”

The ayes were, 40:

Anderson, J.	Anderson, R.	Bennett	Binneboese
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connors	Crabb
Daggett	Danker	Davitt	Dieleman
Gettings	Gross	Groth	Halvorson, R. N.
Harbor	Howell	Johnson, J.	Krewson

Loneragan	Mann	Norland	O'Kane
Pavich	Pellett	Pope	Rapp
Renaud	Rosenberg	Schroeder	Sturgeon
Swartz	Trucano	Van Maanen	Walter

The nays were, 58:

Arnould	Avenson	Baxter	Branstad
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Connolly	Cook	Copenhaver
Corey	De Groot	Diemer	Doderer
Egenes	Fey	Hall	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Maulsby	McKean	Menke
Mullins	Oxley	Pelton	Petrick
Poffenberger	Poncy	Renken	Ritsema
Running	Schnekloth	Shull	Smalley
Spear	Stueland	Sullivan	Swearingen
Tofte	Tyrrell	Welden	Welsh
Woods	Mr. Speaker		

Absent or not voting, 2:

Lloyd-Jones	Smith
-------------	-------

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd on request of Dieleman of Marion.

Van Maanen of Mahaska moved the adoption of amendment H—5991 as amended.

The committee amendment H—5991, as amended, was adopted.

Swartz of Marshall offered amendment H—6001 filed by Swartz and Groth from the floor as follows:

H—6001

- 1 Amend Senate File 2304 by inserting before line
- 2 1, page 1, the following:
- 3 "Sec. . NEW SECTION. UPPER-LEVEL MANAGEMENT
- 4 REDUCTIONS.

5 1. The director or administrator head of each
6 state agency employing two hundred or more employees
7 in permanent, full-time positions shall develop a
8 proposal to reduce the number of upper-level
9 management positions in the state agency by at least
10 five percent. In the proposal, at least ten percent
11 of the positions in the table of organization of the
12 state agency shall be designated as being upper-level
13 management positions and these designated positions
14 shall be selected from among the top twenty-five
15 percent of the highest salaried positions in the state
16 agency. The proposal shall provide for the reduction
17 by reorganization, consolidation, lay-off, attrition,
18 or other means determined by the state agency, shall
19 be based on the table of organization and the number
20 of employees employed by the state agency on April 1,
21 1982, and shall be capable of implementation not
22 later than July 1, 1983. In determining the actual
23 number of management positions to be included in the
24 reduction, a fractional number shall be increased or
25 decreased to the nearest whole number. The reduction
26 proposal may include recommendations which require
27 of implementation by July 1, 1983. The reduction
28 proposal shall be submitted to the governor and the
29 legislative council by December 1, 1982. Implementation
30 of the proposal shall remain at the option of the
31 state agency unless mandated by law.

32 2. The reductions contained in the proposal in this
33 section shall not include any classroom teachers at
34 educational institutions under the jurisdiction of
35 the state board or regents, or personnel engaged in
36 direct client work or contract within the department of
37 social services.

38 3. As used in this section:

39 a. "Permanent full-time position" means a position
40 for more than twenty hours per week for more than
41 four consecutive months.

42 b. "State agency" means each board, commission,
43 council, department, or other administrative office or
44 unit of the state. "State agency" does not mean the
45 general assembly, the courts, the governor, or a
46 political subdivision of the state or its offices or
47 units."

Welden of Hardin rose on a point of order that amendment H-6001 was not germane.

The Speaker ruled the point well taken and amendment H-6001 not germane.

Avenson of Fayette asked and received unanimous consent to withdraw amendments H—5989 and H—5990 filed by him from the floor.

Swartz of Marshall offered the following amendment H—5992 filed by him from the floor and moved its adoption:

H—5992

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 10 through 23 and
- 4 inserting in lieu thereof the following:
- 5 "Notwithstanding Acts of the Sixty-ninth General
- 6 Assembly, 1981 Session, chapter 11, section 3,
- 7 subsection 1, a prison overcrowding state of emergency
- 8 shall not be declared regardless of the prison system
- 9 population figure. This provision shall apply
- 10 retroactively to terminate a state".

A non-record roll call was requested.

The ayes were 25, nays 72.

Amendment H—5992 lost.

Tyrrell of Iowa offered the following amendment H—5993 filed by him from the floor and moved its adoption:

H—5993

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 34 the
- 4 following:
- 5 "Income earned outside the prison and received
- 6 by an inmate during incarceration shall not be
- 7 deposited in the inmate's account but shall be
- 8 deposited in the general fund and used by the
- 9 department of social services to assist the inmate's
- 10 spouse, children, or parents if the spouse, children,
- 11 or parents receive public assistance. If the spouse,
- 12 children, or parents do not receive public assistance,
- 13 the department of social services shall use the
- 14 inmate's outside income to offset the cost of
- 15 incarceration."

Krewson of Polk rose on a point of order that amendment H—5993 was not germane.

The Speaker ruled the point well taken and amendment H—5993 not germane.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—5978 filed by him from the floor.

Schroeder of Pottawattamie offered the following amendment H—5997 filed by him from the floor and moved its adoption:

H—5997

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 16, by inserting after the word
- 4 "state." the words "The department of social services
- 5 shall take bids annually on the rental of farm land
- 6 owned by the department."

Amendment H—5997 lost.

Speaker pro tempore Menke of O'Brien in the chair at 7:15 p.m.

Spear of Lee asked and received unanimous consent to withdraw amendments H—5960 and H—5968 filed by him from the floor.

Spear of Lee offered the following amendment H—5961 filed by him from the floor and moved its adoption:

H—5961

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 8, line 17, by striking the word "inmates"
- 4 and inserting in lieu thereof the words "inmates
- 5 residents".

Amendment H—5961 was adopted.

Spear of Lee offered the following amendment H—6002 filed by him from the floor and moved its adoption:

H—6002

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate as follows:

3 1. Page 8, by striking lines 20 through 22 and
 4 inserting in lieu thereof the words "of the men's
 5 penitentiary at Fort Madison, the men's reformatory
 6 at Anamosa, and the women's reformatory at Rockwell
 7 City, nor shall any of state institutions under the
 8 control of the director of the division of adult
 9 corrections, nor shall any".

Amendment H—6002 was adopted.

Spear of Lee offered the following amendment H—5988, filed by him from the floor and moved its adoption:

H—5988

1 Amend Senate File 2304 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 8, line 26, by striking the word
 4 "inmates" and inserting in lieu thereof the words
 5 "inmates residents".

Amendment H—5988 was adopted.

Anderson of Jasper offered the following amendment H—6012 filed by Anderson of Jasper, et al., from the floor and moved its adoption:

H—6012

1 Amend Senate File 2304, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 15, by inserting after line 34 the
 4 following:
 5 "Sec. . . Acts of the Sixty-ninth General
 6 Assembly, 1981 Session, chapter 8, section 8,
 7 subsection 1, paragraph a, is amended to read as
 8 follows:
 9 a. For salaries, support,
 10 maintenance, and miscellaneous
 11 purposes and membership fees
 12 for Iowa in the education
 13 commission of the states \$ 3,077,158 \$ 3,225,533
 14 3,226,533
 15 It is the intent of the general assembly that from
 16 funds appropriated in this paragraph one thousand
 17 (1,000) dollars shall be expended by the department
 18 of public instruction during the fiscal year beginning
 19 July 1, 1982 and ending June 30, 1983 for a review
 20 of the function and operation of the teacher center

21 in area education agency 7 and for an analysis for
 22 the general assembly as to whether the mission of
 23 the teacher centers is being carried out through the
 24 area education agencies. The department of public
 25 instruction shall make a recommendation to the general
 26 assembly not later than January 15, 1983, as to whether
 27 teacher centers should be established within the area
 28 education agencies."

29 2. By numbering and renumbering sections and
 30 correcting internal references as necessary.

Roll call was requested by Anderson of Jasper and Pavich of Pottawattamie.

On the question "Shall amendment H—6012 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Clark, J. H.	Cochran
Connolly	Connors	Copenhaver	Davitt
Dieleman	Diemer	Doderer	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Jay	Jochum	Knapp
Lind	Lonerган	Norland	O'Kane
Oxley	Pavich	Poffenberger	Poney
Renaud	Rosenberg	Running	Spear
Sturgeon	Sullivan	Swartz	Walter
Welsh	Woods		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clements	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Hoffmann-Bright	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Mann	Maulsby
McKean	Mullins	Pellet	Pelton
Petrick	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Stromer	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker (Menke)			

Absent or not voting, 5:

Harbor
Smith

Howell

Lloyd-Jones

Rapp

Amendment H—6012 lost.

Horn of Linn offered the following amendment H—6030 filed by him from the floor and moved its adoption:

H—6030

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, line 8, by striking the figure
- 4 "275,000" and inserting in lieu thereof the figure
- 5 "274,000".
- 6 2. Page 16, by inserting after line 8 the
- 7 following:
- 8 "Sec. . There is appropriated from the general
- 9 fund of the state to the department of public
- 10 instruction for the fiscal year beginning July 1,
- 11 1982 and ending June 30, 1983, the sum of one thousand
- 12 (1,000) dollars, or so much thereof as may be
- 13 necessary, to fund the costs to the state board of
- 14 public instruction and the department of public
- 15 instruction of reviewing the proposed purchase of
- 16 land by a merged area that will increase the aggregate
- 17 of land owned by the merged area, excluding land
- 18 acquired by donation or gift, by more than three
- 19 hundred twenty acres. Notwithstanding section 208A.35,
- 20 a merged area may purchase land which will increase
- 21 the aggregate of land owned by the merged area,
- 22 excluding land acquired by donation or gift, by more
- 23 than three hundred twenty acres with the approval
- 24 of the state board of public instruction. The
- 25 limitation does not apply to a merged area owning
- 26 more than three hundred twenty acres, excluding land
- 27 acquired by donation or gift, prior to January 1,
- 28 1969."
- 29 3. By numbering and renumbering sections and
- 30 correcting internal references as necessary.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 44, nays 52.

Amendment H—6030 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rapp of Black Hawk on request of Jochum of Dubuque.

Connolly of Dubuque asked and received unanimous consent to withdraw the following amendments filed by him from the floor: H—5965, H—5974, H—5976 and H—5977.

Horn of Linn asked and received unanimous consent to withdraw amendment H—5998 filed by him from the floor.

Poncy of Wapello offered the following amendment H—5959 filed by him from the floor and moved its adoption:

H—5959

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, line 7, by striking the figure
- 4 "22,211,392" and inserting in lieu thereof the figure
- 5 "23,463,887".

A non-record roll call was requested.

The ayes were 41, nays 49.

Amendment H—5959 lost.

Connolly of Dubuque offered the following amendment H—6017 filed by him from the floor and moved its adoption:

H—6017

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 7 the
- 4 following:
- 5 "Sec. . The department of social services shall
- 6 study the feasibility of allowing indigent patients
- 7 to receive medical or surgical treatment or hospital
- 8 care at a local hospital within this state and of
- 9 paying the costs, expenses, and charges incurred by

- 10 the indigent patients from the appropriation for
11 indigent patients under chapter 255. The department
12 shall report on the study to the joint social services
13 appropriations subcommittee by January 15, 1983.
14 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—6017 lost.

Groth of Buena Vista asked and received unanimous consent to withdraw amendment H—5969 and H—5970 filed by him from the floor.

Byerly of Polk offered amendment H—6018 filed by Byerly, et al., from the floor as follows:

H—6018

- 1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 18, by inserting after line 5 the
4 following:
5 "Sec.
6 1. Moneys appropriated in section 39 of this Act
7 shall not be allocated to an area school until the
8 board of directors of the area school submits
9 verification to the state comptroller that it has
10 adopted a policy that priority in enrollment in all
11 classes shall be given to Iowa resident students.
12 2. Moneys appropriated in sections 40, 42, and
13 43 of this Act shall not be allocated to an institution
14 of higher learning until the state board of regents
15 submits verification to the state comptroller that
16 it has adopted a policy that priority in enrollment
17 in all classes at the institutions of higher learning
18 shall be given to Iowa resident students."
19 2. By numbering and renumbering sections and
20 correcting internal references as necessary.

Welden of Hardin rose on a point of order that amendment H—6018 was not germane.

The Speaker ruled the point not well taken and amendment H—6018 germane.

Byerly of Polk moved the adoption of amendment H—6018.

Roll call was requested by Woods of Polk and Renaud of Polk.

Rule 80 was invoked.

On the question "Shall amendment H—6018 be adopted?"

The ayes were, 44:

Binneboese	Branstad	Byerly	Carl
Chiodo	Connors	Davitt	Dieleman
Diemer	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hanson, D.	Harbor
Holt	Horn	Jay	Johnson, J.
Johnson, R.	Lageschulte	Lind	Mann
Maulsby	O'Kane	Pavich	Pellett
Petrack	Poncy	Renaud	Running
Smalley	Spear	Stueland	Sullivan
Swartz	Trucano	Tyrrell	Van Maanen
Walter	Welsh	Woods	Mr. Speaker
(Menke)			

The nays were, 50:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Bruner
Carpenter	Clark, B. J.	Clark, J. H.	Conlon
Connolly	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	De Groot
Doderer	Egenes	Fey	Gross
Hansen, I.	Hoffmann-Bright	Hummel	Jochum
Johnson, W.	Knapp	Krewson	Lonergan
McKean	Mullins	Norland	Oxley
Pelton	Poffenberger	Pope	Renken
Ritsema	Rosenberg	Schnekloth	Schroeder
Shull	Stromer	Sturgeon	Swearingen
Tofte	Welden		

Absent or not voting, 6:

Clements	Cochran	Howell	Lloyd-Jones
Rapp	Smith		

Amendment H—6018 lost.

Carl of Poweshiek offered amendment H—5996, filed by Carl, et al., from the floor as follows:

H—5996

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 19, by inserting after line 25 the
- 4 following new section:
- 5 "Sec. . Acts of the Sixty-ninth General
- 6 Assembly, 1981 Session, chapter 5, section 1, is
- 7 amended by adding the following new subsection:
- 8 NEW SUBSECTION. For community
- 9 based elderly services..... \$ \$ 75,000".
- 10 2. By renumbering as necessary.

Welden of Hardin rose on a point of order that amendment H—5996 was not germane.

The Speaker ruled the point not well taken and amendment H—5996 germane.

Carl of Poweshiek moved the adoption of amendment H—5996.

Roll call was requested by Carl of Poweshiek and Gettings of Wapello.

Rule 80 was invoked.

On the question "Shall amendment H—5996 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R.N.	Horn
Jay	Jochum	Knapp	Loneragan
McKean	Norland	O'Kane	Oxley
Pavich	Poncy	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Trucano	Tyrrell	Walter
Welsh	Woods		

The nays were, 49:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Mann	Maulsby	Mullins	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Ritsema	Schnekloth	Schroeder
Shull	Smalley	Stromer	Stueland
Swearingen	Tofte	Van Maanen	Welden
Mr. Speaker (Menke)			

Absent or not voting, 5:

Howell	Krewson	Lloyd-Jones	Rapp
Smith			

Amendment H-5996 lost.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections.

K. MARIE THAYER, Secretary

Speaker Stromer in the chair at 8:28 p.m.

The following amendments were withdrawn by unanimous consent:

H-5966 filed by Chiodo of Polk from the floor.

H-5967 filed by Swartz of Marshall from the floor.

H-5987 filed by Arnould of Scott from the floor.

Lageschulte of Bremer offered the following amendment H—5973 filed by him from the floor and moved its adoption:

H—5973

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 33, by striking lines 13 through 21.

A non-record roll call was requested.

The ayes were 33, nays 57.

Amendment H—5973 lost.

Arnould of Scott asked and received unanimous consent to withdraw amendment H—5982 filed by him from the floor.

Poffenberger of Dallas offered amendment H—5694 filed by her from the floor as follows:

H—5694

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 37, by inserting after line 13 the
- 4 following:
- 5 "Sec. . The membership of district judicial
- 6 nominating commissions for judicial election districts
- 7 5A and 5C, as those judicial election districts are
- 8 established by Acts of the Sixty-ninth General
- 9 Assembly, 1982 Session, Senate File 276 (referred
- 10 to in this section as Senate File 276), shall be as
- 11 provided in chapter 46, subject to the following
- 12 transition provisions:
- 13 1. Those judicial nominating commissioners of
- 14 judicial election district 5A who are residents of
- 15 Polk County on the effective date of Senate File 276
- 16 shall be disqualified from serving in that judicial
- 17 election district as of the effective date of Senate
- 18 File 276 and their offices shall be deemed vacant.
- 19 These vacancies shall be filled as provided in sec-
- 20 tion 46.5 and for the remainder of the unexpired
- 21 terms.
- 22 2. The governor shall appoint five eligible
- 23 electors of judicial election district 5C to the
- 24 district judicial nominating commission for that
- 25 district for terms commencing on the effective date
- 26 of Senate File 276. Two of the appointees shall serve
- 27 terms ending April 30, 1984, two of the appointees
- 28 shall serve terms ending April 30, 1986, and the

29 remaining appointee shall serve a term ending April
30 30, 1988. At the end of each of these terms the
31 governor shall appoint commissioners for six-year
32 terms pursuant to section 46.3.

33 3. Elective judicial nominating commissioners
34 shall be elected for judicial election district 5C
35 in the manner provided in chapter 46 and for terms
36 commencing on the effective date of Senate File 276.
37 Two of those elected shall serve terms ending April
38 30, 1984, two shall serve terms ending April 30, 1986,
39 and the remaining member shall serve a term ending
40 April 30, 1988, as determined by the drawing of lots
41 by the persons elected. At the end of these terms,
42 elective commissioners shall be elected for six-year
43 terms pursuant to chapter 46.

44 4. An appointment or election required by
45 subsection 1, 2, or 3 may be done at any time after
46 the effective date of this Act, but persons so
47 appointed or elected shall not take office until the
48 effective date of Senate File 276.

49 5. As soon as practicable after the effective
50 date of Senate File 276 the supreme court administrator

Page 2

1 shall recompute, as provided in section 602.18, the
2 number of judgeships to which each of the judicial
3 election districts as redefined in Senate File 276
4 is entitled. The administrator shall submit the
5 results of this recomputation to the members of the
6 supreme court as soon as it has been completed. The
7 supreme court shall reassign judges between judicial
8 election districts as necessary to maintain continuity
9 of judicial business within the judicial election
10 districts that are affected by Senate File 276.
11 Commencing on the effective date of Senate File 276,
12 vacancies in judicial election districts as redefined
13 in Senate File 276 shall be filled according to section
14 602.18.

15 For purposes of the recomputations required by
16 this subsection, the supreme court administrator shall
17 determine the average case filings for the latest
18 available three-year period by reallocating the actual
19 case filings during the three-year period used to
20 the judicial election districts as they would have
21 existed during the three-year period if Senate File
22 276 had been in effect throughout that period."

23 2. By renumbering sections and correcting
24 references.

Chiodo of Polk rose on a point of order that amendment H—5964 was not germane.

The Speaker ruled the point well taken and amendment H—5964 not germane.

The following amendments were withdrawn by unanimous consent:

H—5955 filed by Tyrrell of Iowa from the floor.

H—5956 filed by Tyrrell of Iowa from the floor.

H—5957 filed by Tyrrell of Iowa from the floor.

H—5958 filed by Tyrrell of Iowa, et al., from the floor.

H—5971 filed by Harbor of Mills, et al., from the floor.

H—5981 filed by Anderson of Jasper from the floor.

H—5994 filed by O'Kane of Woodbury from the floor.

Welsh of Dubuque offered amendment H—6043 filed by Welsh and Lind from the floor, as follows:

H—6043

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 39, by inserting after line 2 the
- 4 following:
- 5 "Sec. . VEHICLE DISPATCHER PROGRAM EVALUATION.
- 6 The legislative council shall consider directing the
- 7 legislative fiscal bureau to conduct an evaluation
- 8 of the vehicle dispatcher's office of the department
- 9 of general services to determine the efficiency and
- 10 effectiveness of vehicle assignments and use by state
- 11 agencies."

Tyrrell of Iowa rose on a point of order that amendment H—6043 was not germane.

The Speaker ruled the point well taken and amendment H—6043 not germane.

Clark of Cerro Gordo offered the following amendment H—5980 filed by her from the floor and moved its adoption:

H—5980

- 1 Amend Senate File 2304 as amended, passed and

2 reprinted by the Senate as follows:

3 1. Page 41, by striking lines 12 through 24.

Amendment H—5980 was adopted.

Welden of Hardin offered the following amendment H—6007
filed by him from the floor and moved its adoption:

H—6007

1 Amend Senate File 2304 as amended, passed and

2 reprinted by the Senate, as follows:

3 1. Page 43, line 16, by inserting after the word

4 "for" the words "supplementing funds appropriated

5 for."

Amendment H—6007 was adopted.

Norland of Worth offered the following amendment H—6028
filed by him from the floor and moved its adoption:

H—6028

1 Amend Senate File 2304, as amended, passed and

2 reprinted by the Senate, as follows:

3 1. Page 44, by striking lines 4 through 11 and

4 inserting in lieu thereof the following:

5 "Pharmacies participating in the medical assistance

6 program shall provide the lowest cost equivalent drug

7 possible to recipients of medical assistance."

Amendment H—6028 lost.

Jochum of Dubuque offered the following amendment H—6045
filed by him from the floor and moved its adoption:

H—6045

1 Amend Senate File 2304, as amended, passed and

2 reprinted by the Senate, as follows:

3 1. Page 44, line 11, by inserting after the word

4 "prescription," the words "The additional fifty cent

5 reimbursement shall be limited to the first time a

6 prescription is filled and shall not apply to refills."

A non-record roll call was requested.

The ayes were 34, nays 54.

Amendment H—6045 lost.

Chiodo of Polk offered amendment H—6003 filed by him from the floor as follows:

H—6003

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 44, by inserting after line 29 the
- 4 following:
- 5 "Sec. . There is appropriated from the general
- 6 fund of the state for the fiscal year beginning July
- 7 1, 1982, and ending June 30, 1983, to the department
- 8 of social services two hundred eighty-six thousand
- 9 (286,000) dollars, or so much thereof as is necessary,
- 10 for the medical assistance program. Beginning July
- 11 1, 1982, the basis for establishing the maximum medical
- 12 assistance reimbursement rate for intermediate care
- 13 facilities shall be the seventy-fourth percentile
- 14 of all facilities' per diems as calculated from the
- 15 June 30, 1981 compilation of unaudited financial and
- 16 statistical reports, which rate shall be increased
- 17 by a factor of two and twenty-six hundredths percent,
- 18 notwithstanding Acts of the Sixty-ninth General
- 19 Assembly, 1981 Session, chapter 7, section 3,
- 20 subsection 2, unnumbered paragraph 5."
- 21 2. By renumbering as necessary.

Hoffmann-Bright in the chair at 9:15 p.m.

Chiodo of Polk moved the adoption of amendment H—6003.

Roll call was requested by Chiodo of Polk and O'Kane of Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—6003 be adopted?"

The ayes were, 46:

Anderson, R.
Binneboese
Chiodo

Arnould
Brandt
Clements

Avenson
Byerly
Cochran

Baxter
Carl
Connolly

Connors	Copenhaver	Davitt	Dieleman
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hanson, D.	Horn
Jay	Jochum	Johnson, R.	Knapp
Lageschulte	Mann	Maulsby	Norland
O'Kane	Oxley	Pavich	Poncy
Renaud	Rosenberg	Running	Spear
Sullivan	Swartz	Trucano	Walter
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Bruner
Carpenter	Clark, B. J.	Clark, J. H.	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Doderer
Egenes	Halvorson, R. A.	Hansen, I.	Harbor
Holt	Hummel	Johnson, J.	Johnson, W.
Krewson	Lind	Loneragan	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schneklath	Schroeder	Shull
Smalley	Stromer	Stueland	Sturgeon
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Madam Speaker (Hoffmann-Bright)		

Absent or not voting, 4:

Howell	Lloyd-Jones	Rapp	Smith
--------	-------------	------	-------

Amendment H—6003 lost.

Norland of Worth offered the following amendment H—6019 filed by Norland, et al., from the floor and moved its adoption:

H—6019

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 44, line 33, by striking the words
- 4 "October 1, 1982", and inserting in lieu thereof
- 5 the words "January 1, 1983".
- 6 2. Page 46, line 10, by striking the words
- 7 "October 1, 1982", and inserting in lieu thereof
- 8 the words "January 1, 1983".

Roll call was requested by Norland of Worth and Davitt of Warren.

On the question "Shall amendment H—6019 be adopted?"

The ayes were, 44:

Anderson, R.	Avenson	Binneboese	Brandt
Bruner	Byerly	Chiodo	Clements
Cochran	Connolly	Connors	Copenhaver
Davitt	Dieleman	Doderer	Gettings
Gross	Groth	Hall	Halvorson, R. N.
Hanson, D.	Holt	Horn	Jay
Johnson, J.	Johnson, R.	Knapp	Loneragan
Maulsby	Norland	Oxley	Pavich
Poncy	Renaud	Rosenberg	Running
Smalley	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 52:

Anderson, J.	Arnould	Baxter	Bennett
Branstad	Carl	Carpenter	Clark, B. J.
Clark, J. H.	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Fey	Halvorson, R. A.
Hansen, I.	Harbor	Hummel	Jochum
Johnson, W.	Krewson	Lageschulte	Lind
Mann	McKean	Menke	Mullins
O'Kane	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Stromer
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Weiden	Madam Speaker (Hoffmann-Bright)

Absent or not voting, 4:

Howell	Lloyd-Jones	Rapp	Smith
--------	-------------	------	-------

Amendment H—6019 lost.

Mann of Greene asked and received unanimous consent to withdraw amendment H—5954, filed by her from the floor, in order to consider amendment H—6020.

Mann of Greene offered the following amendment H—6020 filed by her from the floor and moved its adoption:

H—6020

- 1 Amend Senate File 2304, as amended, passed, and
- 2 reprinted by the Senate as follows:

- 3 1. Page 48, by striking line 22, and inserting
- 4 in lieu thereof the figure "2,837,000".
- 5 2. Page 49, by striking line 18, and inserting
- 6 in lieu thereof the figure "22,401,000".
- 7 3. Page 50, line 13, by striking the words and
- 8 figure "four million four hundred fifteen thousand
- 9 (4,415,000)" and inserting in lieu thereof the words
- 10 and figure "four million six thousand (4,006,000)".
- 11 4. Page 52, by inserting after line 6 the follow-
- 12 ing:
- 13 "Sec. . Beginning on and after July 1, 1982,
- 14 the department of social services shall limit the
- 15 annual inflation and cost-based reimbursement increases
- 16 to purchase of service providers contracting with
- 17 the department up to a maximum of eight percent of
- 18 the current reimbursement. This section does not
- 19 apply to foster residential care and foster group
- 20 home providers receiving the maximum reimbursements,
- 21 but does apply to those providers receiving
- 22 reimbursements below the maximum reimbursements."
- 23 5. By numbering and renumbering as necessary.

Amendment H—6020 was adopted.

Sturgeon of Woodbury offered amendment H—6031 filed by Sturgeon, et al., from the floor as follows:

H—6031

- 1 Amend Senate File 2304, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 49, by inserting after line 13 the
- 4 following:
- 5 "Sec. . The home-based services funds which
- 6 will revert on September 30, 1982 and which were
- 7 appropriated by Acts of the Sixty-ninth General
- 8 Assembly, 1981 Session, chapter 7, section 3,
- 9 subsection 8 and Acts of the Sixty-ninth General
- 10 Assembly, 1982 Session, House File 2336, section 14,
- 11 subsection 3, are appropriated from the general fund
- 12 of the state for the fiscal year beginning July 1,
- 13 1982, and ending June 30, 1983, to supplement funds
- 14 appropriated for home-based services under this Act."
- 15 2. By numbering and renumbering as necessary.

Sturgeon of Woodbury offered the following amendment H—6046, to amendment H—6031, filed by him from the floor and moved its adoption:

H—6046

- 1 Amend the amendment, H—6031, to Senate File 2304

2 as amended, passed and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 13 and 14, and
5 inserting in lieu thereof the following: "1982, and
6 ending June 30, 1983, to the state department of
7 health to supplement funds appropriated for the
8 homemaker-home health aide program under this Act." "

Amendment H—6046, to amendment H—6031, was adopted.

Speaker Stromer in the chair at 9:52 p.m.

Sturgeon of Woodbury moved the adoption of amendment
H—6031, as amended.

Roll call was requested by Sturgeon of Woodbury and O'Kane of
Woodbury.

Rule 80 was invoked.

On the question "Shall amendment H—6031 be adopted?"

The ayes were, 46:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Jay
Jochum	Johnson, R.	Knapp	Lonergan
McKean	Mullins	Norland	O'Kane
Oxley	Pavich	Poncy	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Trucano	Walter
Welsh	Woods		

The nays were, 50:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	Menke
Pellett	Pelton	Petrick	Poffenberger

Pope
Schroeder
Swearingen
Welden

Renken
Shull
Tofte
Mr. Speaker

Ritsema
Smalley
Tyrrell

Schnekloth
Stueland
Van Maanen

Absent or not voting, 4:

Howell

Lloyd-Jones

Rapp

Smith

Amendment H—6031, as amended, lost.

Jochum of Dubuque offered the following amendment H—6013 filed by him from the floor and moved its adoption:

H—6013

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 51, line 8, by inserting after the word
- 4 "funds." the words "However, a county board of
- 5 supervisors may set aside no more than four percent
- 6 of the federal and state funds allocated to the county
- 7 under this section for the purchase of day care
- 8 services without matching the federal and state funds
- 9 with local funds."

Amendment H—6013 was adopted.

Brandt of Black Hawk offered the following amendment H—6029 filed by her from the floor and moved its adoption:

H—6029

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking page 51, line 32 through page 52,
- 4 line 6.

Amendment H—6029 was adopted.

The following amendments were withdrawn by unanimous consent:

H—5975 filed by Avenson of Fayette from the floor.

H—6016 filed by Davitt of Warren from the floor.

H—6025 filed by Jochum of Dubuque from the floor.

O'Kane of Woodbury offered the following amendment H—5979 filed by him from the floor and moved its adoption:

H—5979

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 59, by inserting after line 5 the following
- 4 new section:
- 5 "Sec. . . Acts of the Sixty-ninth General
- 6 Assembly, 1981 Session, chapter 14, section 5,
- 7 subsection 2, is amended to read as follows:
- 8 2. For public transit
- 9 purposes to implement a
- 10 state assistance plan \$ 1,908,000 \$ 1,908,000
- 11 2,000,000".
- 12 2. Renumber sections and correct internal
- 13 references as are necessary in accordance with this
- 14 amendment.

Roll call was requested by Running of Linn and O'Kane of Woodbury.

On the question "Shall amendment H—5979 be adopted?"

The ayes were, 43:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Cochran
Connolly	Connors	Copenhaver	Davitt
Dieleman	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Jay	Jochum	Johnson, R.	Knapp
Krewson	Norland	O'Kane	Oxley
Pavich	Poncy	Renaud	Rosenberg
Running	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

The nays were, 53:

Anderson, J.	Bennett	Branstad	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, W.	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke

Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Spear	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 4:

Howell	Lloyd-Jones	Rapp	Smith
--------	-------------	------	-------

Amendment H—5979 lost.

Anderson of Jasper offered the following amendment H—5983 filed by him from the floor and moved its adoption:

H—5983

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 59, by inserting after line 5 the
- 4 following:
- 5 "Sec. . If the appropriations made by this
- 6 Act create a general fund balance that results in
- 7 the state comptroller having to delay or consider
- 8 delaying making any payments authorized by this Act,
- 9 or any other Act making appropriations, the state
- 10 comptroller shall make a monthly report to members
- 11 of the general assembly relating to the fiscal
- 12 condition of the state and the report shall include,
- 13 but not be limited to, the revenue growth for the
- 14 previous month, and the general fund balance, which
- 15 shall reflect the total general fund obligations not
- 16 satisfied at the end of the month."
- 17 2. By renumbering as required.

Amendment H—5983 was adopted, placing out of order amendment H—6032 filed by Welden of Hardin from the floor.

Bruner of Story offered amendment H—6004 filed by Bruner, et al., from the floor as follows:

H—6004

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 59, by inserting after line 5 the following
- 4 new sections:
- 5 "Sec. 200. If the governor determines under section
- 6 8.31 that the estimated budget resources during the

7 fiscal year beginning July 1, 1982 and ending June
8 30, 1983 are insufficient to pay all appropriations
9 in full and upon the concurrence in the finding by
10 the executive council, section 300 of this Act shall
11 take effect and the reductions in allotments authorized
12 under section 8.31 which the governor determined are
13 necessary shall not take effect. However, the governor
14 shall request the department of revenue to provide
15 an estimate of the additional revenue which shall
16 be credited to the general fund of the state under
17 section 300 of this Act. If the governor determines
18 that the estimated budget resources during the fiscal
19 year beginning July 1, 1982 and ending June 30, 1983,
20 including the additional revenues derived under section
21 300 of this Act, are insufficient to pay all
22 appropriations in full and upon concurrence in the
23 finding by the executive council, the governor may
24 proceed to make the reductions in allotments allowed
25 under section 8.31.

26 Sec. 300. Section 422.9, Code 1981, as amended
27 by Acts of the Sixty-ninth General Assembly, 1982
28 Session, House File 2171, sections 9 and 10, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. Notwithstanding the deduction
31 for federal income taxes paid or accrued under
32 subsection 1 or subsection 2, paragraph b, for the
33 tax years beginning on or after January 1, 1982 and
34 the tax years beginning on or after January 1, 1983
35 only, the deduction for federal income taxes paid
36 or accrued shall be an amount as allowed under this
37 subsection, subject to section 200 of this Act. For
38 the tax years beginning on or after January 1, 1982
39 and the tax years beginning on or after January 1,
40 1983, the amount of the deduction for federal income
41 taxes paid or accrued shall be equal to all of the
42 federal income taxes paid or accrued up to thirty
43 thousand dollars and fifty percent of all federal
44 income taxes paid or accrued in excess of thirty
45 thousand dollars.

46 Sec. 400. Section 300 of this Act is retroactive
47 to January 1, 1982 for tax years beginning on or after
48 that date."

49 2. Amend the title, line 3, by inserting after
50 the figure "1983" the words ", and making certain

Page 2

1 provisions of this Act retroactive".

2 3. Renumber sections and correct internal
3 references as are necessary in accordance with this
4 amendment.

Pelton of Clinton rose on a point of order that amendment H-6004 was not germane.

The Speaker ruled the point well taken and amendment H-6004 not germane.

Bruner of Story moved that the rules be suspended to consider amendment H-6004.

Roll call was requested by O'Kane of Woodbury and Bruner of Story.

On the question "Shall the rules be suspended to consider amendment H-6004?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R.N.	Horn	Jay	Jochum
Knapp	Lonergan	Norland	O'Kane
Oxley	Pavich	Poncy	Renaud
Rosenberg	Running	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh

The nays were, 53:

Anderson, J.	Bennett	Branstad	Byerly
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Crabb	Daggett
Danker	De Groot	Diemer	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Woods
Mr. Speaker			

Absent or not voting, 7:

Corey	Egenes	Howell	Krewson
Lloyd-Jones	Rapp	Smith	

The motion lost.

Welden of Hardin offered the following amendment H—6052 filed by him from the floor and moved its adoption:

H—6052

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking line 1 and inserting in
- 4 lieu thereof the words and figure "three million eight
- 5 hundred fifteen thousand (3,815,000)".
- 6 2. Page 2, by striking lines 26 through 28 and
- 7 inserting in lieu thereof the following:
- 8 "Of the funds appropriated under this section one".
- 9 3. Page 3, by striking lines 8 through 17 and
- 10 inserting in lieu thereof the figure "11,425,000".

Amendment H—6052 was adopted.

Welsh of Dubuque offered the following amendment H—6051 filed by him from the floor and moved its adoption:

H—6051

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 34, line 16, by inserting after the
- 4 date "1986." the following: "If the unobligated
- 5 balance in the general fund of the state does not
- 6 exceed ten million dollars on June 30, 1982, as
- 7 certified by the state comptroller by October 10,
- 8 1982, this section is void."

Amendment H—6051 lost.

Welden of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 69:

Anderson, J.
Branstad
Clark, J. H.
Cook
Daggett
Dieleman

Anderson, R.
Bruner
Cochran
Copenhaver
Danker
Diemer

Bennett
Carpenter
Conlon
Corey
Davitt
Doderer

Binneboese
Clark, B. J.
Connolly
Crabb
De Groot
Egenes

Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Loneragan	Maulsby	McKean
Menke	Mullins	Norland	Oxley
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Rosenberg
Schroeder	Shull	Smalley	Stueland
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Welsh
Mr. Speaker			

The nays were, 27:

Arnould	Avenson	Baxter	Brandt
Byerly	Carl	Chiodo	Clements
Connors	Fey	Gettings	Jay
Jochum	Johnson, J.	Knapp	Mann
O'Kane	Pavich	Poncy	Renaud
Running	Schneklöth	Spear	Sturgeon
Sullivan	Walter	Woods	

Absent or not voting, 4:

Howell	Lloyd-Jones	Rapp	Smith
--------	-------------	------	-------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (Senate File 2304)

Pope of Polk asked and received unanimous consent to immediately message Senate File 2304 to the Senate.

INTRODUCTION OF BILL

House File 2497, by Pope and Avenson, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use.

Read first time and referred to committee on **state government**.

HOUSE RULE 61 SUSPENDED

Welden of Hardin asked and received unanimous consent to suspend House Rule 61 for a committee on appropriations meeting.

The House stood at ease at 10:32 p.m., until the fall of the gavel.

The House resumed session at 10:55 p.m., Speaker Stromer in the chair.

SENATE AMENDMENT CONSIDERED (House Refuses to Concur)

Halvorson of Clayton called up for consideration **Senate File 268**, a bill for an act relating to the reduction or sentences of inmates committed to the custody of the director of the division of adult corrections of the department of social services, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H-6048

- 1 Amend the House amendment H-5566 to Senate File
- 2 268 as amended, passed and reprinted by the Senate
- 3 as follows:
- 4 1. Page 1, by striking line 5 through page 4,
- 5 line 27.
- 6 2. Page 4, line 29, by striking the word "eleven"
- 7 and inserting in lieu thereof the word "thirteen".
- 8 3. Page 4, by striking line 47 through page 5,
- 9 line 3, and inserting in lieu thereof the following:
- 10 "9. Four public members appointed by the governor
- 11 who shall have knowledge of penology or correctional
- 12 institutions."
- 13 4. Page 5, by striking lines 25 through 27 and
- 14 inserting in lieu thereof the words "suspended
- 15 sentences."
- 16 5. Page 5, line 28, by striking the word "may"
- 17 and inserting in lieu thereof the word "shall".
- 18 6. Page 5, by striking lines 30 through 38 and
- 19 inserting in lieu thereof the following: "and to
- 20 the governor, regarding changes in the laws of
- 21 sentencing, the criminal code, criminal procedures,

22 the rules of the department of social services
23 concerning correctional institutions, and regarding
24 other aspects of sentencing."
25 7. Page 6, by striking line 2 through page 18,
26 line 34 and inserting in lieu thereof the following:
27 "Sec. . This Act takes effect July 1, 1982
28 and is repealed June 30, 1986."

The motion lost and the House refused to concur in the Senate amendment H—6048, to the House amendment.

IMMEDIATE MESSAGE

Pope of Polk asked and received unanimous consent to immediately message the following bills to the Senate: House Files 2495, 2090 and Senate File 268.

INTRODUCTION OF BILL

House File 2498, by committee on appropriations, a bill for an act to reduce increases in salary rates or ranges and related benefits for state officers, and public officers and employees whose salaries and related benefits are funded by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, by twenty-five percent for the fiscal year beginning July 1, 1982.

Read first time and placed on the appropriations calendar.

IMMEDIATE CONSIDERATION

(House File 2498)

Pope of Polk asked for unanimous consent to suspend the rules for the immediate consideration of House File 2498.

Objection was raised.

Pope of Polk moved to suspend the rules for the immediate consideration of House File 2498.

Roll call was requested by Avenson of Fayette and O'Kane of Woodbury.

On the question "Shall the rules be suspended for the immediate consideration of House File 2498?"

The ayes were, 54:

Anderson, J.	Bennett	Branstad	Bruner
Byerly	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Cook	Corey
Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Lageschulte	Lind	Mann
Maulsby	McKean	Menke	Mullins
Pellett	Petrick	Poffenberger	Pope
Renken	Ritsema	Schneklath	Schroeder
Shull	Smalley	Stueland	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

The nays were, 39:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Chiodo	Cochran
Connolly	Connors	Copenhaver	Davitt
Dieleman	Doderer	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Jay	Jochum	Knapp	Lonergan
Norland	O'Kane	Oxley	Pavich
Poncy	Renaud	Rosenberg	Running
Spear	Sturgeon	Sullivan	Swartz
Walter	Welsh	Woods	

Absent or not voting, 7:

Carl	Howell	Krewson	Lloyd-Jones
Pelton	Rapp	Smith	

The motion prevailed, the rules were suspended, and House File 2498 was taken up for immediate consideration.

COMMITTEE RECOMMENDATION

Committee on Appropriations

Committee Bill, to reduce increases in salary rates or ranges and related benefits for state officers, and public officers and employees whose salaries and related benefits are funded by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, by twenty-five percent for the fiscal year beginning July 1, 1982.

Fiscal Note is not required.

Recommended **Do Pass**.

CONSIDERATION OF BILL

Appropriations Calendar

House File 2498, a bill for an act to reduce increases in salary rates or ranges and related benefits for state officers, and public officers and employees whose salaries and related benefits are funded by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, by twenty-five percent for the fiscal year beginning July 1, 1982, with report of committee recommending passage was taken up for consideration.

MOTION TO TABLE LOST

Doderer of Johnson moved to table House File 2498.

Roll call was requested by Doderer of Johnson and Jochum of Dubuque.

Rule 80 was invoked.

On the question "Shall the motion to table prevail?"

The ayes were, 48:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Chiodo	Clark, B. J.	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Egenes	Fey	Gettings
Groth	Hall	Halvorson, R. N.	Horn
Jay	Jochum	Knapp	Krewson
Loneragan	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pelton
Poncy	Renaud	Rosenberg	Running
Schroeder	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 48:

Anderson, J.	Bennett	Branstad	Carl
Carpenter	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Diemer	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Lageschulte	Lind

Mann	Maulsby	Menke	Pellett
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Shull	Smalley
Stueland	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr., Speaker

Absent or not voting, 4:

Howell	Lloyd-Jones	Rapp	Smith
--------	-------------	------	-------

The motion to table lost.

Spear of Lee offered amendment H—6053 filed by him from the floor as follows:

H—6053

- 1 Amend House File 2498, as follows:
- 2 1. Page 1, by striking lines 1 through 16.
- 3 2. By renumbering as necessary.

Connors of Polk rose on a point of order and invoked Joint Rule 16 pertaining to Fiscal Notes.

The Speaker ruled the point well taken and Joint Rule 16 in order.

The House stood at ease at 11:50 p.m., until the fall of the gavel for the preparation of a Fiscal Note on House File 2498.

The House resumed session at 12:05 a.m., Saturday, April 24, 1982, Speaker Stromer in the chair.

Avenson of Fayette moved that the House adjourn until 9:00 a.m., Saturday, April 24, 1982.

A non-record roll call was requested.

The ayes were 40, nays 52.

The motion lost.

Spear of Lee moved the adoption of amendment H—6053.

Roll call was requested by Spear of Lee and Avenson of Fayette.

Rule 80 was invoked.

On the question "Shall amendment H—6053 be adopted?"

The ayes were, 65:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Cochran	Connolly	Connors
Copenhaver	Crabb	Daggett	Davitt
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Horn	Jay
Jochum	Knapp	Krewson	Lageschulte
Lind	Lonergan	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pelton	Poffenberger	Poncy	Pope
Renaud	Ritsema	Rosenberg	Running
Schroeder	Shull	Spear	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Van Maanen	Walter	Welsh
Woods			

The ayes were, 31:

Anderson, J.	Bennett	Branstad	Clements
Conlon	Cook	Corey	Danker
De Groot	Gross	Halvorson, R. A.	Hansen, I.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Mann
Maulsby	Menke	Pellett	Petrick
Renken	Schneklath	Smalley	Stueland
Tyrrell	Welden	Mr. Speaker	

Absent or not voting, 4:

Howell	Lloyd-Jones	Rapp	Smith
--------	-------------	------	-------

Amendment H—6053 was adopted.

MOTION TO TABLE LOST

Halvorson of Webster moved to table House File 2498.

A non-record roll call was requested.

The ayes were 36, nays 53.

The motion to table lost.

The following amendment H—6054 filed by Harbor of Mills from the floor was adopted by unanimous consent.

H—6054

- 1 Amend House File 2498, as follows:
- 2 1. Title page, by striking lines 1 through 6
- 3 and inserting in lieu thereof the following: "An Act
- 4 to reduce the compensation of members of the
- 5 General Assembly."

Harbor of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2498)

The ayes were, 58:

Anderson, J.	Baxter	Bennett	Branstad
Carl	Carpenter	Clark, B. J.	Clark, J. H.
Clements	Conlon	Cook	Corey
Daggett	Danker	De Groot	Doderer
Egenes	Gross	Groth	Halvorsen, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Jay	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Loneragan	Mann	Maulsby	McKean
Menke	Mullins	Oxley	Pellett
Pelton	Petrick	Poffenberger	Pope
Renken	Schneklath	Schroeder	Shull
Smalley	Spear	Stueland	Sturgeon
Tofte	Trucano	Tyrrell	Van Maanen
Welden	Mr. Speaker		

The nays were, 37:

Anderson, R.	Arnould	Avenson	Binneboese
Brandt	Bruner	Byerly	Chiodo
Cochran	Connolly	Connors	Copenhaver
Davitt	Dieleman	Diemer	Fey
Gettings	Hall	Halvorsen, R. N.	Horn
Jochum	Knapp	Lind	Norland
O'Kane	Pavich	Poncy	Renaud
Ritsema	Rosenberg	Running	Sullivan
Swartz	Swearingen	Walter	Welsh
Woods			

Absent or not voting, 5:

Crabb	Howell	Lloyd-Jones	Rapp
Smith			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Ways and Means Calendar

House File 2479, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the Act take effect upon publication retroactive to January 1, 1981, with report of committee recommending passage was taken up for consideration.

Bruner of Story offered amendment H—5874 filed by him as follows:

H—5874

- 1 Amend House File 2479 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 new section:
- 4 "Section 1. Section 422.7, Code 1981, as amended
- 5 by Acts of the Sixty-ninth General Assembly, 1981
- 6 Session, chapter 132, sections 4, 5, and 6, and House
- 7 File 2171, enacted by the Sixty-ninth General Assembly,
- 8 1982 Session, sections 3, 4, 5, 6, 7, and 8, is amended
- 9 by adding the following new subsection:
- 10 **NEW SUBSECTION.** Add the amount of windfall profits
- 11 tax deducted under section 164(a) of the Internal
- 12 Revenue Code of 1954."
- 13 2. Amend the title, line 2, by striking the word
- 14 "corporate".
- 15 3. Renumber sections and correct internal
- 16 references as are necessary in accordance with this
- 17 amendment.

Bruner of Story asked and received unanimous consent to temporarily defer action on amendment H—5874.

Schneklloth of Scott offered the following amendment H—5852 filed by him and moved its adoption:

H—5852

- 1 Amend House File 2479 as follows:
- 2 1. Page 1, line 3, by inserting after the figure
- 3 "8," the words and figures "and House File 2171,
- 4 enacted by the Sixty-ninth General Assembly, 1982
- 5 Session, sections 14 and 15,".

Amendment H—5852 was adopted.

Bruner of Story offered amendment H—5950 filed by Bruner, et al., as follows:

H—5950

1 Amend House File 2479 as follows:

2 1. Page 1, line 4, by striking the word

3 "subsection" and inserting in lieu thereof the word

4 "subsections".

5 2. Page 1, by inserting after line 7 the following:

6 "NEW SUBSECTION: Add the amount deducted as

7 expenses for intangible drilling and development

8 costs, including costs for nonproductive wells,

9 pursuant to section 263 (c) of the Internal Revenue

10 Code of 1954. The taxpayer shall capitalize these

11 costs which were added back under this subsection

12 and may recover its Iowa adjusted basis through annual

13 deductions for cost depletion or depreciation or,

14 in the case of costs related to nonproductive wells,

15 as a loss, as provided under the Internal Revenue

16 Code of 1954."

Diemer of Black Hawk rose on a point of order that amendment H—5950 was not germane.

The Speaker ruled the point not well taken and amendment H—5950 germane.

Bruner of Story moved the adoption of amendment H—5950.

A non-record roll call was requested.

The ayes were 41, nays 48.

Amendment H—5950 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Pope of Polk.

Bruner of Story called up for consideration amendment H-5874.

Diemer of Black Hawk rose on a point of order that amendment H-5874 was not germane.

The Speaker ruled the point well taken and amendment H-5874 not germane.

Diemer of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2479)

The ayes were, 89:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lonergan	Mann	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Ritsema	Rosenberg	Running	Schneklath
Schroeder	Shull	Smalley	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Mr. Speaker			

The nays were, 5:

Clements	Johnson, J.	Lind	Maulsby
Renken			

Absent or not voting, 6:

Crabb
Smith

Howell
Woods

Lloyd-Jones

Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE FILE 2309 SUBSTITUTED FOR HOUSE FILE 2404

Krewson of Polk asked and received unanimous consent to substitute Senate File 2309 for House File 2404.

Senate File 2309, a bill for an act relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive, with report of committee recommending passage was taken up for consideration.

Krewson of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2309)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Spear	Stueland	Sturgeon	Sullivan

Swartz
Tyrrell
Welsh

Swearingen
Van Maanen
Mr. Speaker

Tofte
Walter

Trucano
Welden

The nays were, none.

Absent or not voting, 6:

Crabb
Smith

Howell
Woods

Lloyd-Jones

Rapp

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

INTRODUCTION OF BILL

House File 2499, by Pope and Avenson, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation.

Read first time and referred to committee on **judiciary and law enforcement**.

HOUSE FILE 2404 WITHDRAWN

Krewson of Polk asked and received unanimous consent to withdraw House File 2404 from further consideration by the House.

HOUSE RULE 61 SUSPENDED

Swearingen of Keokuk asked and received unanimous consent to suspend House Rule 61 for a committee on state government meeting.

IMMEDIATE MESSAGE

(House File 2479 and Senate File 2309)

Pope of Polk asked and received unanimous consent to immediately message House File 2479 and Senate File 2309 to the Senate.

MOTIONS TO RECONSIDER
(House File 2498)

I move to reconsider the vote by which House File 2498 passed the House on April 24, 1982.

HANSON of Delaware

(House File 2498)

I move to reconsider the vote by which House File 2498 passed the House on April 24, 1982.

DODERER of Johnson

CONFERENCE COMMITTEE REPORTS FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee reports on the following bills have been received and are on file in the office of the Chief Clerk:

ELIZABETH A. ISAACSON
Chief Clerk of the House

House File 2250, a bill for an act to permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate and freeway primary road system.

House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court

and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 23, 1982. Had I been present, I would have voted "aye" on House File 2495.

POFFENBERGER of Dallas

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber on April 22, 1982:

Twenty-seven government students from Bennett Junior-Senior High School, Bennett, accompanied by Bill Huckstadt and Don Juchter. By Stueland of Clinton.

Eighty-five fifth grade students from Kreft Elementary School, Council Bluffs, accompanied by Glen McBurney, Danelle Peterson, Lona Doty and Patricia Gerdes. By Pavich and Walter of Pottawattamie.

The Speaker announced that the following visitors were present in the House chamber on April 23, 1982:

Fifteen twelfth grade students from Spirit Lake High School, Spirit Lake, accompanied by Stan Syvesma and Dan Kammerer. By Holt of Clay.

Seventy-five eighth grade students from St. Edwards School, Waterloo, accompanied by Don Sullivan and Duane Wince. By Brandt, Lind and Rapp of Black Hawk.

Eight economics students from Clearfield High School, Clearfield, accompanied by Diane Ware. By Daggett of Taylor.

Fifty fourth and fifth grade students from Paton Elementary School, Paton, accompanied by Jean Gliem and Jean Davis. By Lonergan of Boone and Maulsby of Calhoun.

Fifty fourth and fifth grade students from Margaretta Carey Elementary School, Waverly, accompanied by Mrs. Borglum and Mrs. Young. By Lageschulte of Bremer.

Ninth grade students from Holmes Junior High School, Cedar Falls, accompanied by C. Taylor. By Diemer of Black Hawk.

Forty-five eighth grade students from North Scott Junior High School, Eldridge, accompanied by Bill Wittoski. By Schnekloth of Scott and Stueland of Clinton.

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
Chief Clerk of the House

COMMITTEE ON EDUCATION

Senate File 2302, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983.

Fiscal Note is required.

Recommended Do Pass.

AMENDMENTS FILED

H-5951	H.F.	2496	Krewson of Polk
H-5952	H.F.	2496	Krewson of Polk
H-5984	H.C.R.	150	Tyrrell of Iowa
H-5985	H.C.R.	150	Tyrrell of Iowa
H-5986	H.C.R.	150	Tyrrell of Iowa
H-5995	S.F.	2302	Connolly of Dubuque
H-6000	H.F.	2496	Schroeder of Pottawattamie
H-6010	H.F.	2477	Senate Amendment
H-6011	H.J.R.	2003	Senate Amendment
H-6014	H.F.	2482	Senate Amendment
H-6021	S.F.	2153	Hummel of Benton
			Norland of Worth
H-6022	H.F.	2496	Krewson of Polk

H-6023	H.F.	2496	Krewson of Polk
H-6026	H.C.R.	150	Schnekloth of Scott
			Lageschulte of Bremer
H-6033	H.C.R.	150	Danker of Pottawattamie
			Harbor of Mills
			Halvorson of Clayton
H-6034	H.C.R.	150	Danker of Pottawattamie
			Harbor of Mills
			Halvorson of Clayton
H-6035	H.C.R.	150	Danker of Pottawattamie
			Harbor of Mills
			Halvorson of Clayton
H-6036	H.C.R.	150	Danker of Pottawattamie
H-6037	H.C.R.	150	Schnekloth of Scott
H-6038	H.C.R.	150	Maulsby of Calhoun
H-6039	H.C.R.	150	Cook of Hardin
H-6040	H.C.R.	150	Tyrrell of Iowa
H-6041	H.C.R.	150	Renken of Grundy
H-6042	H.C.R.	150	Renken of Grundy
H-6044	H.C.R.	150	Tyrrell of Iowa
H-6049	H.C.R.	150	Tyrrell of Iowa
H-6050	H.C.R.	150	Tyrrell of Iowa

On motion by Pope of Polk, the House adjourned at 1:05 a.m., until 10:00 a.m., Saturday, April 24, 1982.

JOURNAL OF THE HOUSE

One Hundred Fourth Calendar Day—Seventieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Saturday, April 24, 1982

The House met pursuant to adjournment, Speaker Stromer in the chair.

Prayer was offered by the Honorable William Harbor, state representative from Mills county.

The Journal of Friday, April 23, 1982 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lloyd-Jones of Johnson, for the morning session, on request of Avenson of Fayette; Howell of Floyd on request of Dieleman of Marion; Gross of Ringgold, for a portion of the day, on request of De Groot of Lyon.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and to place Senate Files 2153 and 2302 on the Daily Debate Calendar for Saturday, April 24, 1982.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 1982, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 128, authorizing additional bonding by the state board of regents.

Also: That the Senate has, on April 24, 1982, insisted on its Senate amendment to the House amendment to Senate File 268, a bill for an act relating to the reduction of sentences of inmates committed to the custody of the director of the division of adult corrections, and the members of the conference committee on the part of the Senate are: The Senator from Clarke, Senator Ramsey, Chair; the Senator from Polk, Senator Baugher; the Senator from Woodbury, Senator Doyle; the Senator from Linn, Senator

Kudart; and the Senator from Linn, Senator Rush.

K. MARIE THAYER, Secretary

SENATE CONCURRENT RESOLUTION 128

By Committee on Appropriations

1 *Whereas*, section 262A.3 provides that the state
2 board of regents shall prepare and submit to the
3 general assembly for approval no later than seven
4 days after the convening of each regular annual session
5 of the general assembly a proposed ten-year building
6 program for each institution of higher learning under
7 the jurisdiction of the board, the program to contain
8 a list of the buildings and facilities which the board
9 deems necessary to further the educational objectives
10 of the institutions, with an estimate of the cost
11 of each of the buildings and facilities referred to
12 and an estimate of the maximum amount of bonds which
13 the board expects to issue under chapter 262A during
14 each year of the ensuing biennium; and
15 *Whereas*, the state board of regents prepared and
16 within seven days after the convening of the Sixty-
17 ninth General Assembly of the State of Iowa, First
18 Session, submitted to the Sixty-ninth General Assembly,
19 First Session, for approval the proposed ten-year
20 building program for each institution containing a
21 list of the buildings and facilities which the board
22 deemed necessary to further the educational objectives
23 of the institutions, together with an estimate of
24 the cost of each of the buildings and facilities
25 referred to and an estimate of the maximum amount
26 of bonds which the board expected to issue under
27 chapter 262A for each year of the fiscal biennium
28 beginning July 1, 1981 and ending June 30, 1983; and
29 *Whereas*, the projects contained in the building
30 program are deemed necessary for the proper performance

Page 2

1 of the instructional, research, and service functions
2 of the institutions; and
3 *Whereas*, section 262A.4 provides that the state
4 board of regents after authorization by a
5 constitutional majority of each house of the general
6 assembly and approval by the governor may undertake
7 and carry out at the institutions of higher learning
8 under the jurisdiction of the board any project as

9 defined in chapter 262A; and

10 *Whereas*, chapter 262A authorizes the state board
11 of regents to borrow money and to issue and sell
12 negotiable revenue bonds to pay all or any part of
13 the cost of carrying out the projects at any
14 institution payable solely from and secured by an
15 irrevocable pledge of a sufficient portion of the
16 student fees and charges and institutional income
17 received by the particular institution; and

18 *Whereas*, to further the educational objectives
19 of the institutions, the state board of regents
20 requested authorization from the Sixty-ninth General
21 Assembly, First Session, to undertake and carry out
22 certain of the projects and to finance their cost
23 by borrowing money and issuing negotiable bonds under
24 chapter 262A, in a total amount not to exceed fifty-
25 eight million (58,000,000) dollars, the remaining
26 cost of the projects to be financed by capital
27 appropriations or by federal or other funds lawfully
28 available; and

29 *Whereas*, the Sixty-ninth General Assembly, First
30 Session, by a constitutional majority of each house

Page 3

1 of the general assembly adopted Senate Concurrent
2 Resolution 35, which was approved by the governor,
3 approving the proposed ten-year building program
4 submitted by the state board of regents for each
5 institution of higher learning under its jurisdiction,
6 and authorizing the issuance of the bonds by the state
7 board of regents under chapter 262A in a total amount
8 not to exceed fifty-eight million (58,000,000) dollars,
9 of which thirty million (30,000,000) dollars were
10 authorized to be issued during the fiscal year ending
11 June 30, 1982 and twenty-eight million (28,000,000)
12 dollars were authorized to be issued during the fiscal
13 year ending June 30, 1983; and

14 *Whereas*, pursuant to the authorization contained
15 in Senate Concurrent Resolution 35 of the Sixty-ninth
16 General Assembly, First Session, thirty million
17 (30,000,000) dollars of bonds were or are being issued
18 by the state board of regents under chapter 262A
19 during the fiscal year ending June 30, 1982; and

20 *Whereas*, section 262A.3 provides for the annual
21 revision of each ten-year building program, and the
22 state board of regents prepared and submitted to the
23 Sixty-ninth General Assembly, Second Session, the
24 revised proposed ten-year building program for each
25 institution containing a list of buildings and faci-
26 ties which the board deems necessary to further the

- 27 educational objectives of the institutions, together
 28 with an estimate of the cost of each of the buildings
 29 and facilities referred to and an estimate of the
 30 maximum amount of bonds which the board expects to

Page 4

- 1 issue under chapter 262A for each year of the fiscal
 2 biennium beginning July 1, 1981 and ending June 30,
 3 1983; and
 4 *Whereas, the state board of regents has requested*
 5 *the authorization to undertake and carry out certain*
 6 *additional projects at this time and to finance their*
 7 *cost by borrowing money and issuing negotiable bonds*
 8 *under chapter 262A, during the fiscal year ending*
 9 *June 30, 1983 to a total amount not to exceed twenty-*
 10 *three million five hundred seventy-five thousand*
 11 *(23,575,000) dollars, such authorization to be in*
 12 *addition to the bonds authorized by Senate Concurrent*
 13 *Resolution 35 of the Sixty-ninth General Assembly,*
 14 *First Session; Now Therefore,*

- 15 *Be It Resolved by the Senate, the House of*
 16 *Representatives Concurring, That the proposed ten-*
 17 *year building program submitted by the state board*
 18 *of regents for each institution of higher learning*
 19 *under its jurisdiction, including the estimate of*
 20 *the maximum amount of bonds which the board expects*
 21 *to issue under chapter 262A, is approved as follows:*

STATE BOARD OF REGENTS		
PROPOSED TEN-YEAR BUILDING PROGRAM		
1981-1991		
25 State University of Iowa		\$138,628,000
26 Iowa State University of Science and Technology		117,005,000
27 University of Northern Iowa		43,755,000
28 Total ten-year program 1981-1991		\$299,388,000

- 29 *Be It Further Resolved, That during the fiscal*
 30 *year commencing July 1, 1982, and ending June 30,*

Page 5

- 1 1983, the maximum amount of bonds which the state
 2 board of regents expects to issue under chapter 262A
 3 for the projects authorized in this resolution is
 4 twenty-three million five hundred seventy-five thousand
 5 (23,575,000) dollars, in addition to the bonds
 6 authorized by Senate Concurrent Resolution 35 of the
 7 Sixty-ninth General Assembly, First Session, and this
 8 plan of financing is approved; and
 9 *Be It Further Resolved, That the state board of*
 10 *regents, in addition to the authorization contained*
 11 *in Senate Concurrent Resolution 35, is authorized*

12 to undertake and carry out the following projects ;
13 and to pay all or any part of the cost of carrying
14 out the projects by borrowing money and issuing
15 negotiable revenue bonds under chapter 262A in a total
16 amount not to exceed twenty-three million five hundred
17 seventy-five thousand (23,575,000) dollars during
18 the fiscal year ending June 30, 1983:
19 State University of Iowa
20 Law building
21 Cost of issuance of bonds
22 Iowa State University of
23 Science and Technology
24 Planning for veterinary medicine
25 clinic conversion for use by
26 industrial education

Read first time and referred to committee on **appropriations.**

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2302, a bill for an act to continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983, with report of committee recommending passage was taken up for consideration.

Groth of Buena Vista offered the following amendment H—5948 filed by him and moved its adoption:

H—5948

- 1 Amend Senate File 2302 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and
- 3 inserting in lieu thereof the following:
- 4 "4. For the school years beginning July 1,
- 5 1980, July 1, 1981, and July 1, 1982 only, if if
- 6 an amount".
- 7 2. Page 1, lines 15 and 16, by striking the
- 8 words and figures "and July 1, 1983".
- 9 3. Page 1, line 30, by striking the words and
- 10 figures "and July 1, 1983".

Roll call was requested by Groth of Buena Vista and O'Kane of Woodbury.

On the question "Shall amendment H—5948 be adopted?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Bruner	Byerly	Carl
Chiodo	Cochran	Conlon	Connolly
Connors	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Jay	Jochum
Knapp	Loneragan	Mullins	Norland
O'Kane	Oxley	Pavich	Poncy
Rapp	Renaud	Rosenberg	Running
Smith	Spear	Sturgeon	Sullivan
Swartz	Trucano	Walter	Welsh
Woods			

The nays were, 50:

Anderson, J.	Branstad	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Halvorson, R. A.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Hummel	Johnson, J.	Johnson, R.
Johnson, W.	Krewson	Lageschulte	Lind
Mann	Maulsby	McKean	Menke
Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smalley	Stueland
Swearingen	Tofte	Tyrrell	Van Maanen
Welden	Mr. Speaker		

Absent or not voting, 5:

Bennett	Brandt	Gross	Howell
Lloyd-Jones			

Amendment H—5948 lost.

Horn of Linn offered amendment H—5932 filed by him as follows:

H—5932

- 1 Amend Senate File 2302, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 30, by inserting after the figure
- 4 "1983." the following: "However, if the budget
- 5 enrollment of a school district for the school year
- 6 beginning July 1, 1983 is less than the budget
- 7 enrollment of that school district for the school

8 year beginning July 1, 1982, not including any increase
 9 in budget enrollment added by the state comptroller
 10 pursuant to this subsection, the state comptroller
 11 shall increase the budget enrollment for that school
 12 district for the school year beginning July 1, 1983
 13 to a number that will provide that the district cost
 14 per pupil for the budget year minus the amount included
 15 in the district cost per pupil for the budget year
 16 to compensate for the cost of special education support
 17 services for the school district times the budget
 18 enrollment of the school district for the budget year
 19 equals one hundred three percent times the district
 20 cost per pupil for the base year minus the amount
 21 included in district cost per pupil for the base year
 22 to compensate for the cost of special education support
 23 services for the school district times the budget
 24 enrollment of the school district for the base year."

Daggett of Taylor rose on a point of order that amendment H—5932 was not germane.

The Speaker ruled the point well taken and amendment H—5932 not germane.

Horn of Linn asked for unanimous consent to consider amendment H—5932.

Objection was raised.

Horn of Linn moved that the rules be suspended to consider amendment H—5932.

Roll call was requested by Horn of Linn and Poncy of Wapello.

On the question "Shall the rules be suspended to consider amendment H—5932?"

The ayes were, 45:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Doderer	Fey	Gettings	Groth
Hall	Halvorson, R. N.	Horn	Jay
Jochum	Knapp	Lind	Loneragan
Norland	O'Kane	Oxley	Pavich

Pelton
Rosenberg
Sullivan
Woods

Poncy
Running
Swartz

Rapp
Spear
Walter

Renaud
Sturgeon
Welsh

The nays were, 50:

Anderson, J.
Clark, B. J.
Cook
Danker
Halvorson, R. A.
Holt
Krewson
McKean
Petrick
Ritsema
Smalley
Tofte
Welden

Bennett
Clark, J. H.
Corey
De Groot
Hansen, I.
Hummel
Lageschulte
Menke
Poffenberger
Schnekloth
Smith
Trucano
Mr. Speaker

Branstad
Clements
Crabb
Diemer
Hanson, D.
Johnson, J.
Mann
Mullins
Pope
Schroeder
Stueland
Tyrrell

Carpenter
Conlon
Daggett
Egenes
Hoffmann-Bright
Johnson, W.
Maulsby
Pellett
Renken
Shull
Swearingen
Van Maanen

Absent or not voting, 5:

Gross
Lloyd-Jones

Harbor

Howell

Johnson, R.

The motion lost.

CONFERENCE COMMITTEE APPOINTED (Senate File 268)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 268: Halvorson of Clayton, Chair; Conlon of Muscatine, Smalley of Polk, Rapp of Black Hawk and Swartz of Marshall.

Connolly of Dubuque offered amendment H—5995 filed by him as follows:

H—5995

- 1 Amend Senate File 2302, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 30, the
- 4 following:
- 5 "Sec. . . If the estimated funds in the general
- 6 fund of the state during the fiscal year beginning
- 7 July 1, 1982 and ending June 30, 1983, as a result

8 of appropriations made by the general assembly, reach
 9 a level that the governor finds estimated budget
 10 resources are insufficient to pay appropriations in
 11 full and the governor modifies allotments of
 12 appropriations pursuant to the authority in section
 13 8.31 and chapter 8, the appropriations made in section
 14 442.26 shall not be modified, notwithstanding section
 15 8.31 and chapter 8."

Daggett of Taylor rose on a point of order that amendment H—5995 was not germane.

The Speaker ruled the point well taken and amendment H—5995 not germane.

Connolly of Dubuque moved that the rules be suspended to consider amendment H—5995.

Roll call was requested by Connolly of Dubuque and Pavich of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment H—5995?"

The ayes were, 40:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Fey
Gettings	Groth	Hall	Halvorson, R. N.
Horn	Jay	Jochum	Knapp
Lind	Norland	O'Kane	Oxley
Pavich	Poncy	Rapp	Renaud
Rosenberg	Running	Spear	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 57:

Anderson, J.	Bennett	Branstad	Bruner
Carpenter	Clark, B. J.	Clark, J. H.	Clements
Conlon	Cook	Corey	Crabb
Daggett	Danker	De Groot	Diemer
Doderer	Egenes	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Hummel	Johnson, J.	Johnson, R.	Johnson, W.
Krewson	Lageschulte	Loneragan	Mann
Maulsby	McKean	Menke	Mullins

Pellett	Pelton	Petrick	Poffenberger
Pope	Renken	Ritsema	Schnekloth
Schroeder	Shull	Smalley	Smith
Stueland	Sturgeon	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 3:

Gross	Howell	Lloyd-Jones
-------	--------	-------------

The motion lost.

Daggett of Taylor moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2302)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 1:

Clements

Absent or not voting, 4:

Danker

Gross

Howell

Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE RULE 39 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 39 and to place House File 2497 and Senate File 2298 on the Daily Debate Calendar for Saturday, April 24, 1982.

HOUSE FILE 2451 WITHDRAWN

Daggett of Taylor asked and received unanimous consent to withdraw House File 2451 from further consideration by the House.

MOTION TO RECONSIDER WITHDRAWN

(House File 2498)

Hanson of Delaware asked and received unanimous consent to withdraw the motion to reconsider House File 2498, a bill for an act to reduce increases in salary rates or ranges and related benefits for state officers, and public officers and employees whose salaries and related benefits are funded by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, by twenty-five percent for the fiscal year beginning July 1, 1982, filed on April 23, 1982.

Ways and Means Calendar

Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by providing that property sold or used within the meaning of the processing exemption includes linotype, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this Act, and making it retroactive, with report of committee recommending amendment and passage was taken up for consideration.

Hummel of Benton offered amendment H-5939 filed by the committee on ways and means as follows:

H-5939

- 1 Amend Senate File 2153 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 1 through page 2,
- 4 line 33, and inserting in lieu thereof the following:
- 5 "Section 1. Section 422.45, Code 1981, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. The gross receipts from the sales
- 8 of lithographic-offset plates, photoengraved plates,
- 9 engravings, negatives, color separations, the end
- 10 products of image modulation, or any other base
- 11 material used as a carrier for light-sensitive
- 12 emulsions to be used to complete a finished product
- 13 for sale at retail."
- 14 2. Title page, by striking lines 2 and 3 and
- 15 inserting in lieu thereof the words "exempting from
- 16 the taxes the end products of image modulation,
- 17 lithographic-offset".
- 18 3. By renumbering as necessary.

Hummel of Benton offered the following amendment H-6021, to amendment H-5939, filed by Hummel and Norland and moved its adoption:

H-6021

- 1 Amend the committee amendment, H-5939, to Senate
- 2 File 2153, as amended, passed and reprinted by the
- 3 Senate, as follows:
- 4 1. Page 1, line 7, by inserting after the word
- 5 "sales" the words "by a trade shop to a printer".
- 6 2. Page 1, line 12, by inserting after the word
- 7 "used" the words "by the printer".
- 8 3. Page 1, line 13, by inserting after the word
- 9* "retail." the words "For purposes of this subsection,
- 10 "trade shop" means a business which is not normally
- 11 engaged in printing and which sells supplies to
- 12 printers, including but not limited to, lithographic-
- 13 offset plates, photoengraved plates, engravings,
- 14 negatives, color separations, end products of image
- 15 modulation, or other base material used as a carrier
- 16 for light-sensitive emulsions."
- 17 4. Page 1, line 16, by inserting after the word
- 18 "taxes" the words "sales by trade shops to printers
- 19 of".

Amendment H-6021, to the committee amendment H-5939, was adopted.

On motion by Hummel of Benton the committee amendment H—5939, as amended, was adopted.

Schnekloth of Scott offered amendment H—6056, filed by Schnekloth, et al., from the floor as follows:

H—6056

- 1 Amend Senate File 2153, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 12, the
- 4 following:
- 5 "Any rules or written pronouncements interpreting
- 6 the revenue laws that were made by the Director of
- 7 Revenue or by the director of any division of the
- 8 Department of Revenue prior to the effective date of
- 9 the Iowa Administrative Procedure Act shall be deemed
- 10 to have been and continue to be in full force and
- 11 effect until reversed, repealed or modified in
- 12 accordance with the provisions of the Administrative
- 13 Procedure Act or by law."

Norland of Worth rose on a point of order that amendment H—6056 was not germane.

The Speaker ruled the point well taken and amendment H—6056 not germane.

Schroeder of Pottawattamie asked and received unanimous consent to consider amendment H—6056.

On motion by Schnekloth of Scott amendment H—6056 was adopted.

The following amendment H—6060 filed by Hummel of Benton from the floor was adopted by unanimous consent:

H—6060

- 1 Amend Senate File 2153 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Title page, line 1, by inserting after the word
- 4 "state" the words "revenue regulations,".

Hummel of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2153)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Groth
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
Menke	Mullins	Norland	O'Kane
Oxley	Pavich	Pellett	Pelton
Petrick	Poffenberger	Poncy	Pope
Rapp	Renaud	Renken	Ritsema
Rosenberg	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 5:

Hall	Hanson, D.	McKean	Running
Sturgeon			

Absent or not voting, 3:

Gross	Howell	Lloyd-Jones
-------	--------	-------------

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 Files 2302 and 2153)

Pope of Polk asked and received unanimous consent to immediately message Senate Files 2302 and 2153 to the Senate.

SENATE AMENDMENTS CONSIDERED
House Concurs

Welden of Hardin called up for consideration **House Joint Resolution 2003**, a joint resolution relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation, amended by the following Senate amendment:

H-6011

- 1 Amend House Joint Resolution 2003 as amended,
- 2 passed and reprinted by the House as follows:
- 3 1. Page 1, line 13, by striking the word "shall"
- 4 and inserting in lieu thereof the word "may".
- 5 2. Page 1, line 16, by striking the word "from"
- 6 and inserting in lieu thereof the word "upon".
- 7 3. Page 1, line 27, by inserting after the word
- 8 "Act" the words "to the state department of general
- 9 services for construction of the new state historical
- 10 building or center".
- 11 4. Page 2, line 5, by inserting after the word
- 12 "party," the words "The committee shall consider
- 13 utilization of interest or earnings from investments
- 14 from the Herrick estate for restoration of the state
- 15 capitol building."

Avenson of Fayette offered amendment H-6057, to amendment H-6011, filed by him from the floor and requested division as follows:

H-6057

- 1 Amend the Senate amendment, H-6011, to House
- 2 Joint Resolution 2003, as amended, passed and
- 3 reprinted by the House, as follows:

H-6057A

- 4 1. Page 1, by striking lines 3 and 4.

H-6057B

- 5 2. Page 1, by striking lines 11 through 15.
- 6 3. By renumbering as necessary.

On motion by Avenson of Fayette amendment H-6057A, to the Senate amendment H-6011, was adopted.

On motion by Avenson of Fayette amendment H—6057B, to the Senate amendment H—6011, was adopted.

On motion by Welden of Hardin the House concurred in the Senate amendment H—6011, as amended.

Welden of Hardin moved that the joint resolution, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 2003)

The ayes were, 96:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Fey	Gettings	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Loneragan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp
Renaud	Renken	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Gross	Howell	Lloyd-Jones	Ritsema
-------	--------	-------------	---------

The joint resolution having received a constitutional majority, was declared to have been adopted and agreed to by the House.

Tofte of Winneshiek called up for consideration **House File 2482**, a bill for an act to appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-6014

- 1 Amend House File 2482 as passed by the House as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "Session" the words and figure "and the transfer made
- 5 by section 2 of this Act".
- 6 2. Page 1, line 28, by striking the word "ten"
- 7 and inserting in lieu thereof the words "twelve and
- 8 one-half".
- 9 3. Page 2, by inserting after line 2 the following:
- 10 "Sec. 2. In addition to the transfer made by House
- 11 File 2336, section 13 enacted by the Sixty-ninth
- 12 General Assembly, 1982 Session and pursuant to section
- 13 2604 of the federal Omnibus Reconciliation Act of
- 14 1981, one million six hundred fifty-five thousand
- 15 (1,655,000) dollars of this state's allotment of funds
- 16 under the federal Low-Income Home Energy Assistance
- 17 Act of 1981, section 2601 et. seq., of the federal
- 18 Omnibus Reconciliation Act of 1981 is transferred
- 19 and appropriated to the department of social services
- 20 for use authorized by the federal Social Services
- 21 Block Grant Act, section 2351 et. seq., of the federal
- 22 Omnibus Reconciliation Act of 1981. This appropriation
- 23 is for the fiscal year beginning July 1, 1982 and
- 24 ending on June 30, 1983. State funds in the same
- 25 amount as the transfer appropriated to the department
- 26 of social services for those uses for which the funds
- 27 transferred by this section are authorized shall
- 28 revert to the general fund of the state."
- 29 4. Renumber as required.

The motion prevailed and the House concurred in the Senate amendment H-6014.

Tofte of Winneshiek moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2482)

The ayes were, 95:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Lageschulte
Lind	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schneklloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Avenson	Gross	Howell	Krewson
Lloyd-Jones			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Welden of Hardin called up for consideration **House File 2477**, a bill for an act appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-6010

1 Amend House File 2477 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 4, by striking lines 30 through 33 and
 4 inserting in lieu thereof the following: "17A.
 5 However, it is the intent of the general assembly
 6 that in this exemption from the notice and public
 7 participation requirements of chapter 17A, the Code
 8 shall be utilized by the department only to the extent
 9 necessary to insure that these rules are in effect
 10 in a timely manner to implement the provisions of
 11 this Act. Any rule placed into immediate effect
 12 pursuant to this section shall also be proposed as
 13 a notice of intended action as provided in section
 14 17A.4(1), the Code."

15 2. Page 8, line 28, by inserting after the word
 16 "services," the words "the university of Iowa hospitals
 17 and clinics,".

18 3. Page 14, line 21, by inserting after the word
 19 "chairpersons" the words "and ranking members".

20 4. Page 14, line 23, by inserting after the word
 21 "chairpersons" the words "and ranking members".

The motion prevailed and the House concurred in the Senate amendment H—6010.

Welden of Hardin moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2477)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Loneragan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett

Pelton
Pope
Ritsema
Schroeder
Spear
Tofte
Walter,
Mr. Speaker

Petrick
Rapp
Rosenberg
Shull
Sturgeon
Trucano
Welden

Poffenberger
Renaud
Running
Smalley
Sullivan
Tyrrell
Welsh

Poncy
Renken
Schnekloth
Smith
Swartz
Van Maanen
Woods

The nays were, 1:

Danker

Absent or not voting, 6:

Avenson
Stueland

Gross
Swearingen

Howell

Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House Joint Resolution 2003)

Pope of Polk asked and received unanimous consent to immediately message House Joint Resolution 2003 to the Senate.

COMMITTEE RECOMMENDATION

COMMITTEE ON STATE GOVERNMENT

Senate File 2298, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication.

Fiscal Note is not required.

Recommended **Do Pass**.

CONSIDERATION OF BILL Regular Calendar

Senate File 2298, a bill for an act to legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication, with report of committee recommending passage was taken up for consideration.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2298)

The ayes were, 87:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Binneboese	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Gettings
Groth	Hall	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Holt	Horn	Hummel	Jay
Jochum	Johnson, J.	Johnson, R.	Johnson, W.
Knapp	Krewson	Lageschulte	Lind
Loneragan	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 6:

Cook	Mann	Maulsby	Renken
Ritsema	Welden		

Absent or not voting, 7:

Avenson	Fey	Gross	Howell
Lloyd-Jones	Renaud	Sturgeon	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF HOUSE RESOLUTION 105

Tofte of Winneshiek called up for consideration House Resolution 105, urging the conservation commission to study and make

rules pertaining to deer hunting season opening at sunrise, and found on page 874 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1982, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 125, regarding the Commodity Credit Corporation grain storage program.

Also: That the Senate has on April 24, 1982, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 136, providing for a study of an overall review of the tax structure of Iowa and alternative revenue sources.

K. MARIE THAYER, Secretary

SENATE CONCURRENT RESOLUTION 125

By Hultman, Junkins, Baugher, Anderson, Bisenius, Brown, Briles, Carr, Carney, Coleman, Comito, Deluhery, Craft, Doyle, DeKoster, Gallagher, Drake, Husak, Dreeszen, Hutchins, Gentleman, Kinley, Goodwin, Miller of Cerro Gordo, Gratias, Miller of Des Moines, Hester, Palmer, Holden, Priebe, Hulse, Rodgers, Jensen, Rush, Kudart, Slater, Lura, Small, Murray, Van Gilst, Nystrom, Wells, Ramsey, Readinger, Schwengels, Taylor, Tieden, Vande Hoef, Waldstein and Yenger

- 1 *Whereas*, farm grain prices have been affected as a
- 2 result of state department policy decisions; and
- 3 *Whereas*, these policies have resulted in embargoes
- 4 of grain sales which have had and are now having a
- 5 disastrous effect on grain prices; and
- 6 *Whereas*, the farm grain storage loan program has
- 7 been cut drastically; and
- 8 *Whereas*, predictions of crop surpluses in the fall
- 9 of 1982 will further affect the price of grain causing
- 10 an unbearable loss to Iowa farmers because of lack of
- 11 storage facilities; and
- 12 *Whereas*, the construction of bins is directly tied to
- 13 the availability of low interest loans over and above

14 the working capital needed by farmers to operate; and
15 *Whereas*, a meeting was held in Washington, D.C. to
16 discuss the grain storage shortage and it was agreed
17 that the shortage would likely precipitate a crisis
18 in the agricultural economy; *Now Therefore*,
19 *Be It Resolved by the Senate, the House Concurring*,
20 That an immediate assessment of storage requirements be
21 made by Agricultural Stabilization and Conservation
22 Service of Iowa; and
23 *Be It Further Resolved*, That the Federal Agricultural
24 Stabilization and Conservation Service director be given
25 the results of the assessment to use to justify a declara-
26 tion of critical shortage of on-farm storage in Iowa; and
27 *Be It Further Resolved*, That the Commodity Credit
28 Corporation grain storage program be reinstituted immediately
29 and funds be appropriated on a standby basis to provide
30 for ten percent interest rate loans; and

Page Two

1 *Be It Further Resolved*, That the Secretary of
2 Agriculture, Secretary John Block, investigate a
3 guaranteed loan program with a ninety percent
4 guarantee to lenders. An interest subsidy program
5 should also be examined, which should be in addition
6 to the Commodity Credit Corporation program; and
7 *Be It Further Resolved*, That copies of this
8 resolution be sent to the director of the Agri-
9 cultural Stabilization and Conservation Service,
10 the United States Secretary of Agriculture, and
11 each member of the Iowa congressional delegation.

SENATE CONCURRENT RESOLUTION 136

By Committee on Ways and Means

1 *Whereas*, the state of Iowa and its political subdivi-
2 sions face the continuing need to maintain or increase
3 expenditures in order to provide for their operations and
4 for needed services but are having difficulties in rais-
5 ing enough revenues from present sources to fulfill that
6 need; *Now Therefore*,
7 *Be It Resolved by the Senate, the House Concurring*,
8 That the legislative council is directed to create a study
9 committee which shall include members of the standing
10 committees on ways and means of the senate and house of
11 representatives representing both political parties and
12 which may include nonlegislators as members, which
13 committee shall conduct during the 1982 legislative interim

14 a review of the tax structure of the state of Iowa and its
15 political subdivisions and a comprehensive study of
16 alternative revenue sources to the present tax structure
17 of the state and its political subdivisions.

18 The study committee may employ consultants with the
19 approval of the legislative council, to assist it in
20 carrying out its duties and may request the assistance
21 of any state agency to obtain such data and other informa-
22 tion which the committee deems necessary to carry out its
23 duties. The study committee shall present its final
24 report and recommendations to the members of the General
25 Assembly by the end of January, 1983.

COMMITTEE RECOMMENDATION

COMMITTEE ON STATE GOVERNMENT

House File 2497, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use.

Fiscal Note is not required.

Recommended Do Pass.

CONSIDERATION OF BILL

Regular Calendar

House File 2497, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use, with report of committee recommending passage was taken up consideration.

Connors of Polk offered amendment H—6058 filed by him from the floor as follows:

H—6058

1 Amend House File 2497 as follows:

2 1. Page 1, by inserting before line 1 the

3 following new section:

4 "Sec. . Section 19A.18, unnumbered paragraph

5 8 is amended by striking the paragraph and inserting

6 in lieu thereof the following:

7 Any officer or employee in the merit system who

8 becomes a candidate for any elective public office

9 shall, upon request of the employee and commencing

10 any time within thirty days prior to a primary,

11 special, or general election and continuing until

12 after this thirty-day period, automatically be given

13 a leave of absence without pay. An employee who is

14 a candidate for any elective public office shall not

15 campaign while on duty as an employee."

Johnson of Linn rose on a point of order that amendment H—6058 was not germane.

The Speaker ruled the point well taken and amendment H—6058 not germane.

Connors of Polk asked for unanimous consent to consider amendment H—6058.

Objection was raised.

Connors of Polk moved that the rules be suspended to consider amendment H—6058.

Roll call was requested by Welsh of Dubuque and Woods of Polk.

Rule 80 was invoked.

On the question "Shall the rules be suspended to consider amendment H—6058?"

The ayes were, 45:

Anderson, R.

Binneboese

Carl

Connors

Dieleman

Arnould

Brandt

Chiodo

Copenhaver

Doderer

Avenson

Bruner

Cochran

Crabb

Fey

Baxter

Byerly

Connolly

Davitt

Gettings

Groth	Hall	Halvorson, R. N.	Horn
Jay	Jochum	Knapp	Loneragan
Norland	O'Kane	Oxley	Pavich
Poney	Rapp	Renaud	Rosenberg
Running	Smith	Spear	Sturgeon
Sullivan	Swartz	Walter	Welsh
Woods			

The nays were, 49:

Anderson, J.	Branstad	Carpenter	Clark, B. J.
Clark, J. H.	Clements	Conlon	Cook
Corey	Daggett	Danker	De Groot
Egenes	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
McKean	Menke	Pellet	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 6:

Bennett	Diemer	Gross	Howell
Lloyd-Jones	Mullins		

The motion lost.

HOUSE FILE 2497 TEMPORARILY DEFERRED

Hanson of Delaware asked and received unanimous consent to temporarily defer action on House File 2497.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2250)

Johnson of Woodbury called up for consideration the report of the conference committee on House File 2250 filed on April 23, 1982 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2250

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2250, a bill for an act to permit revision of the hours of operations and services re-

quired of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system, respectfully make the following report:

1. That the House recede from its amendment, S-5614, to the Senate amendment, H-5670, to House File 2250, as amended, passed, and reprinted by the House.

2. That the Senate recede from its amendment, H-5670, to House File 2250, as amended, passed, and reprinted by the House.

3. That House File 2250, as amended, passed, and reprinted by the House, be amended as follows:

"1. Page 1, line 20, by striking the words ", including trade names" and inserting in lieu thereof the words ", including trade names".

2. Page 1, line 23, by inserting after the word "have" the words "free air for tire inflation and"."

ON THE PART OF THE HOUSE:

WARREN JOHNSON, Chair
DONALD H. BINNEBOESE
ARLYN E. DANKER
LESTER D. MENKE
EMIL S. PAVICH

ON THE PART OF THE SENATE:

RICHARD F. DRAKE, Chair
RICHARD COMITO
JOHN W. JENSEN
ALVIN V. MILLER

The motion prevailed and the report was adopted.

Johnson of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2250)

The ayes were, 92:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Connolly
Connors	Cook	Copenhaver	Corey
Crabb	Daggett	Danker	Davitt
De Groot	Diemer	Doderer	Egenes
Fey	Gettings	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.

Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	Oxley	Pavich	Pellett
Pelton	Patrick	Poffenberger	Poncy
Pope	Rapp	Renken	Rosenberg
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sturgeon
Sullivan	Swartz	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Walter
Welden	Welsh	Woods	Mr. Speaker

The nays were, 4:

Dieleman	O'Kane	Renaud	Running
----------	--------	--------	---------

Absent or not voting, 4:

Gross	Howell	Lloyd-Jones	Ritsema
-------	--------	-------------	---------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 2497**, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use.

Jay of Appanoose offered amendment H—6059 filed by Jay and Gettings from the floor as follows:

H—6059

- 1 Amend House File 2497 as follows:
- 2 1. Page 1, by inserting after line 33, the follow-
- 3 ing:
- 4 "Sec. . Section 99B.7, subsection 1, para-
- 5 graph c, Code 1981, as amended by Acts of the Sixty-
- 6 ninth General Assembly, 1981 Session, chapter 44,
- 7 section 8, is amended to read as follows:
- 8 c. Cash prizes may be awarded in the game of bingo
- 9 and shall not exceed one hundred dollars. Merchandise

10 prizes may be awarded in the game of bingo; however,
11 the actual retail value of the prize, or if the prize
12 consists of more than one item, unit or part, the
13 aggregate retail value of all items, units or parts,
14 shall not exceed one hundred dollars. A jackpot bingo
15 game may be conducted once during any twenty-four
16 hour period in which the prize doubles if not won
17 at one game; however, the cost of play shall not be
18 increased and the jackpot shall not amount to more
19 than five hundred dollars in cash or actual retail
20 value of merchandise prizes. A jackpot bingo game
21 is not prohibited by paragraph "h" of this subsection.
22 A bingo occasion shall not last for longer than four
23 consecutive hours. A qualified organization shall
24 not hold more than fourteen bingo occasions per month.
25 Bingo occasions held under a limited license shall
26 not be counted in determining whether a qualified
27 organization has conducted more than fourteen bingo
28 occasions per month, nor shall bingo occasions held
29 under a limited license be limited to four consecutive
30 hours. With the exception of a limited license bingo,
31 no more than three bingo occasions per week shall
32 be held within a structure or building and only one
33 person licensed to conduct games under this section
34 may hold bingo occasions within a structure or
35 building. However, a qualified organization whose
36 gross receipts for the previous four quarters were
37 three thousand five hundred dollars or less may hold
38 more than fourteen bingo occasions per month and more
39 than three bingo occasions per week within the same
40 structure or building, and bingo occasions conducted
41 by such a qualified organization may last for longer
42 than four consecutive hours. Also, in cities having
43 a population of seven thousand five hundred or less,
44 more than one person licensed to conduct games under
45 this section may hold bingo occasions within a
46 structure or building provided that the city council
47 unanimously approves each licensed person's use of
48 the structure or building for bingo occasions. At
49 the conclusion of each bingo occasion, the person
50 conducting the game shall announce both the gross

Page 2

- 1 receipts received from the bingo occasion and the
- 2 use permitted under subsection 3, paragraph b, of
- 3 this section to which the net receipts of the bingo
- 4 occasion will be dedicated and distributed."
- 5 2. Renumber as necessary.

Harbor of Mills rose on a point of order that amendment H-6059 was not germane.

The Speaker ruled the point well taken and amendment H-6059 not germane.

Jay of Appanoose asked for unanimous consent to consider amendment H-6059.

Objection was raised.

Jay of Appanoose moved that the rules be suspended to consider amendment H-6059.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 42, nays 50.

The motion lost.

Dieleman of Marion offered amendment H-6055 filed by him from the floor as follows:

H-6055

- 1 Amend House File 2497 as follows:
- 2 1. By striking page 1, line 34 through page 3,
- 3 line 25.

Speaker pro tempore Menke of O'Brien in the chair at 11:47 a.m.

Hansen of O'Brien in the chair at 11:57 a.m.

Dieleman of Marion moved the adoption of amendment H-6055.

A non-record roll call was requested.

The ayes were 34, nays 50.

Amendment H-6055 lost.

Rapp of Black Hawk offered amendment H—6062 filed by him from the floor as follows:

H—6062

- 1 Amend House File 2497, as follows:
- 2 1. Page 1, line 6, by striking the word "one"
- 3 and inserting in lieu thereof the following: "one
- 4 three".

Speaker pro tempore Menke of O'Brien in the chair at 12:10 p.m.

Hanson of Delaware rose on a point of order that amendment H—6062 was not germane.

Hanson of Delaware asked and received unanimous consent to withdraw the point of order.

Rapp of Black Hawk moved the adoption of amendment H—6062.

A non-record roll call was requested.

The ayes were 56, nays 33.

Amendment H—6062 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 April 24, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act authorizing two or more counties to establish a joint indigent defense fund.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2308, by Hultman and Junkins, a bill for an act authorizing two or more counties to establish a joint indigent defense fund.

Read first time and referred to committee on judiciary and law enforcement.

HOUSE RULE 61 SUSPENDED

Conlon of Muscatine asked and received unanimous consent to suspend House Rule 61 for a committee on judiciary and law enforcement meeting.

(House File 2497 pending at recess.)

On motion by Pope of Polk, the House was recessed at 12:15 p.m., until 1:00 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 seventy-two members present, twenty-eight absent.

IMMEDIATE MESSAGE

(House File 2250)

Pope of Polk asked and received unanimous consent to immediately message House File 2250 to the Senate.

BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 2497**, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices, and by providing that candidates for public office may be licensed to conduct games as qualified organizations and may use the net receipts of the games to pay costs incurred in seeking election to office, and by providing that political party auxiliary organizations may be licensed to conduct games as qualified organizations provided that the net receipts are dedicated to a public use.

Carl of Poweshiek offered amendment H-6063 filed by her from the floor as follows:

H-6063

- 1 Amend House File 2497 as follows:
- 2 1. Page 2, line 5, by inserting after the numbers
- 3 "501(c) (6)," the numbers "501 (c) (8),".

Harbor of Mills rose on a point of order that amendment H-6063 was not germane.

The Speaker ruled the point well taken and amendment H-6063 not germane.

Carl of Poweshiek moved that the rules be suspended to consider amendment H-6063.

Roll call was requested by Jochum of Dubuque and Arnould of Scott.

On the question "Shall the rules be suspended to consider amendment H-6063?"

The ayes were, 42:

Anderson, R.	Arnould	Avenson	Baxter
Binneboese	Brandt	Bruner	Byerly
Carl	Chiodo	Cochran	Connolly
Copenhaver	Davitt	Doderer	Fey
Gettings	Groth	Halvorson, R. A.	Halvorson, R. N.
Horn	Jay	Jochum	Knapp
Lonergan	Norland	O'Kane	Oxley
Pavich	Poney	Rapp	Renaud
Rosenberg	Running	Smith	Spear
Sturgeon	Sullivan	Swartz	Tyrrell
Walter	Welsh		

The nays were, 47:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Corey	Crabb	Daggett
Danker	De Groot	Dieleman	Diemer
Egenes	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte

Lind	Mann	Maulsby	Menke
Mullins	Petrick	Poffenberger	Renken
Ritsema	Schnekloth	Shull	Smalley
Stueland	Swearingen	Tofte	Trucano
Van Maanen	Welden	Mr. Speaker	

Absent or not voting, 11:

Connors	Gross	Hall	Howell
Lloyd-Jones	McKean	Pellett	Pelton
Pope	Schroeder	Woods	

The motion lost.

Hanson of Delaware moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2497)

The ayes were, 71:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Conlon	Connolly
Connors	Copenhaver	Crabb	Davitt
Diemer	Doderer	Egenes	Fey
Gettings	Groth	Halvorson, R. A.	Halvorson, R. N.
Hansen, I.	Hanson, D.	Harbor	Hoffmann-Bright
Horn	Jay	Jochum	Johnson, R.
Knapp	Krewson	Lageschulte	Lind
Loneragan	Mann	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Petrick	Poffenberger	Poney
Pope	Rapp	Renaud	Rosenberg
Running	Schroeder	Shull	Smith
Spear	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Walter
Welsh	Woods	Mr. Speaker	

The nays were, 23:

Branstad	Clark, J. H.	Clements	Cochran
Cook	Corey	Daggett	Danker
De Groot	Dieleman	Holt	Hummel
Johnson, J.	Johnson, W.	Maulsby	Renken
Ritsema	Schnekloth	Smalley	Stueland
Tyrrell	Van Maanen	Welden	

Absent or not voting, 6:

Gross
McKean

Hall
Pelton

Howell

Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 482)

Trucano of Polk called up consideration the motion to reconsider Senate File 482, filed on April 5, 1982, and moved to reconsider the vote by which Senate File 482, a bill for an act providing for compensation to owners of advertising devices and lessors of property upon which advertising devices are located when the advertising device is removed or taken by the state or a political subdivision of the state, failed to pass the House on April 5, 1982.

Clark of Lee in the chair at 1:48 p.m.

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 43, nays 53.

The motion lost.

ADOPTION OF SENATE CONCURRENT RESOLUTION 125

Pellett of Cass asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 125 filed on April 24, 1982, and found on pages 1783 and 1784 of the House Journal and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 136

Ritsema of Sioux asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 136 filed on April 24, 1982, and found on pages 1784 and 1785 of the House Journal and moved its adoption.

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 April 24, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2313, a bill for an act to appropriate funds from the road use tax fund to the state department of transportation.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2313, by committee on appropriations, a bill for an act to appropriate funds from the road use tax fund to the state department of transportation for the fiscal year beginning July 1, 1982 and ending June 30, 1983 to fund a special task force on transportation to study the transportation needs of the state.

Read first time and referred to committee on **appropriations**.

IMMEDIATE MESSAGE

(House File 2497)

Halvorson of Clayton asked and received unanimous consent to immediately message House File 2497 to the Senate.

IMMEDIATE CONSIDERATION

(Senate File 2308 and House File 2499)

Halvorson of Clayton asked and received unanimous consent to take up for immediate consideration Senate File 2308 and House File 2499.

COMMITTEE RECOMMENDATION

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 2308, a bill for an act authorizing two or more counties to establish a joint indigent defense fund.

Fiscal Note is not required.

Recommended **Do Pass**.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 2308, a bill for an act authorizing two or more counties to establish a joint indigent defense fund, with report of committee recommending passage was taken up for consideration.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2308)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clements	Cochran
Conlon	Connolly	Cook	Copenhaver
Corey	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Rapp	Renaud	Renken	Ritsema
Rosenberg	Running	Schneklath	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welden	Welsh
Woods	Mr. Speaker (Clark of Lee)		

The nays were, 2:

Branstad Maulsby

Absent or not voting, 4:

Connors Howell Pope Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

PROOF OF PUBLICATION
(House File 2499)

Published copy of House File 2499 and verified proof of publication of said bill in the Mt. Pleasant News, a newspaper published daily in Mt. Pleasant, Henry County, Iowa, on April 23, 1982 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMITTEE RECOMMENDATION

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

House File 2499, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation.

Fiscal Note is not required.

Recommended Do Pass.

House File 2499, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2499)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Binneboese	Brandt
Branstad	Bruner	Byerly	Carl
Carpenter	Chiodo	Clark, B. J.	Clements
Cochran	Conlon	Connolly	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey

Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Menke
Mullins	Norland	O'Kane	Oxley
Pavich	Pellet	Pelton	Petrick
Poffenberger	Poney	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Clark of Lee)			

The nays were, none.

Absent or not voting, 3:

Connors

Howell

Pope

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (House File 2499)

Conlon of Muscatine asked and received unanimous consent to immediately message House File 2499 to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1982, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 137, referring all study committee resolutions to the legislative council to authorize the interim studies.

K. MARIE THAYER, Secretary

The House stood at ease at 2:42 p.m., until the fall of the gavel.

The House resumed session at 4:25 p.m., Speaker pro tempore Menke of O'Brien in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2460)

Conlon of Muscatine called up for consideration the report of the conference committee on House File 2460 filed on April 23, 1982 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2460

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, respectfully make the following report:

1. That the Senate recede from its amendment, H—5834 to House File 2460 as amended, passed, and reprinted by the House.

2. That the House recede from its amendment S—5664, to the Senate amendment, H—5834, to House File 2460, as amended, passed, and reprinted by the House.

3. That House File 2460 as amended, passed, and reprinted by the House, be amended as follows:

1. Page 2, by inserting after line 22 the following:

"Sec. . Section 232.28, subsections 1 and 2, Code 1981, are amended to read as follows:

1. Any person having knowledge of the facts may file a complaint with the court or its designee alleging that a child has committed a delinquent act. A written record shall be maintained of any oral complaint received.

2. The Court or its designee shall refer the complaint to an intake officer who shall consult with law enforcement authorities having knowledge of the facts and conduct a preliminary inquiry to determine what action should be taken."

2. Page 3, by striking line 34 through page 4, line 8.

3. Page 4, line 35, by inserting after the word "alleged" the following: "by a person authorized to file a petition under section 232.87, subsection 2, or by the court on its own motion".

4. Page 5, line 7, by inserting after the word "occurred" the words "and that the presence of the alleged sexual offender in the child's residence presents a danger to the child's life or physical, emotional, or mental health".

5. Page 6, by inserting after line 22 the following:

"Sec. . Section 232.147, subsection 5, Code 1981, is amended to read as follows:

5. Inspection of social records and disclosure of their contents shall not be permitted except pursuant to court order or unless otherwise provided in this subsection or chapter.

If an informal adjustment of a complaint is made pursuant to section 232.29, the intake officer shall disclose to the victim of the delinquent act, upon the request of the victim, the name and address of the child who committed the delinquent act."

6. Page 6, by striking line 34, and inserting in lieu thereof the words "taken into custody and who is fourteen years of age or older".

7. Page 9, by inserting after line 11 the following:

"Sec. . Section 708.7, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Reports or causes to be reported false information to the department of social services, alleging that a person has abused a child, knowing that the information is false, or who reports the alleged occurrence of child abuse knowing that the child abuse did not occur.

8. Title, page 1, line 7, by inserting after the word "release," the words "to require a written record of any oral complaint received,".

9. Title, page 1, line 10, by inserting after the word "records," the words "to provide a penalty for false reports of child abuse,".

10. Title, page 1, lines 16 and 17, by striking the words "to require delinquency adjudicatory hearings to be held within sixty days,".

11. Title, page 2, line 1, by inserting after the word "assistance," the words "to provide disclosure of certain information to the victim of the delinquent act,".

12. By renumbering as necessary.

ON THE PART OF THE HOUSE:

WALTER CONLON, Chair
VIRGINIA POFFENBERGER
JO ANN TRUCANO

ON THE PART OF THE SENATE:

JOHN S. MURRAY, Chair
JULIA B. GENTLEMAN
DICK RAMSEY
BOB RUSH
C. JOSEPH COLEMAN

The motion prevailed and the report was adopted.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2460)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.

Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Lonergan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, 1:

Doderer

Absent or not voting, 2:

Binneboese

Howell

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth on request of Welsh of Dubuque.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2369)

Ritsema of Sioux called up for consideration the report of the conference committee on House File 2369 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2369

To the President of the Senate and the Speaker of the House.

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on House File

2369 a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's driver's license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication respectfully make the following report:

1. That the House recede from its amendment S-5732 to the Senate amendment H-5884 to House File 2369 as amended, passed and reprinted by the House.

2. That the Senate amendment H-5884 to House File 2369 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by striking lines 17 through 20 and inserting in lieu thereof the following:

"6. Page 2, line 35, by inserting after the word "arrest." the words "The court may accommodate the sentence to the work schedule of the defendant." "

2. Page 2, by striking lines 3 through 12 and inserting in lieu thereof the following:

"14. Page 4, line 2, by inserting after the word "judgment." the words and figure "A person whose license to operate a motor vehicle is revoked pursuant to this subsection may be issued a temporary restricted driving permit by the department allowing the person to drive to and from the person's home and place of employment and in the person's employment and to attend evaluation, treatment or educational services for alcohol or drug dependency, if the person's license to operate a motor vehicle is not subject to revocation under section 321B.7 for refusal to submit to chemical testing." "

3. Page 2, by striking lines 27 through 44 and inserting in lieu thereof the following:

"9. a. Upon a plea or verdict of guilty of a third or subsequent violation of this section, the court in which the plea was entered or the verdict was returned shall order that the defendant's license or permit to operate motor vehicles be revoked by the department and that the defendant shall remain ineligible for a new license or permit for a period of six years. Any license or permit to operate motor vehicles held by the defendant shall be surrendered to the court who shall forward it to the department with a copy of the order for revocation.

b. After two years from the date of the order for revocation, the defendant may apply to the court for restoration of the defendant's eligibility for a license or permit to operate motor vehicles. The application may be granted only if all of the following are shown by the defendant by a preponderance of the evidence:

(1) The defendant has completed an evaluation and, if recommended by the evaluation, a program of treatment for chemical dependency and is recovering, or has substantially recovered, from that dependency on or tendency to abuse alcohol or drugs.

(2) The defendant has not been convicted, since the date of the revocation order, of any subsequent violations of this section or section 123.46, or any comparable city or county ordinance, and the defendant has not, since the date of the revocation order, submitted to a chemical test under chapter 321B that indicated ten hundredths or more of one percent by weight of alcohol in the person's blood or refused to submit to chemical testing under that chapter.

(3) The defendant has abstained from the excessive consumption of alcoholic beverages and the consumption of controlled substances, except at the direction of a licensed physician or pursuant to a valid prescription.

(4) The defendant's license or permit is not currently subject to suspension or revocation for any other reason.

c. The court shall forward to the department a record of any application submitted under paragraph b and the results of the court's disposition of the application."

4. Page 3, by striking lines 9 through 37 and inserting in lieu thereof the following:

"23. Page 6, by striking lines 8 and 9 and inserting in lieu thereof the following:

"Sec. 8. Section 321.283, subsection 6, Code 1981, is amended to read as follows:

6. Temporary permit. Any person required to attend a course evaluation, treatment or rehabilitation services by the provisions of this division, who is subject to a drivers license suspension or revocation, may be issued a temporary driving permit by the department restricted to driving to and from his the person's home, place of employment, in his the person's employment and the location of the required course evaluation, treatment or rehabilitation services. Any person who does not receive a temporary driving permit may after the period of license suspension or revocation under for a violation of section 321.281 have his or her drivers license reissued subject to suspension for failure to comply with the provisions of this division. This section shall not permit the issuance of a temporary driving permit or reissuance of a drivers license where the provisions of chapter 321A have not been complied with.

Successful completion of a course or evaluation, treatment or rehabilitation services required by this division shall not reverse a drivers license suspension or revocation or reduce the length of a suspension or revocation under for a violation of section 321.281; however, the director may reduce the length of a suspension or revocation contingent upon successful completion of a course for drinking drivers or under chapter 321B."

5. Page 4, by striking line 27 through page 5, line 7, and inserting in lieu thereof the following:

"NEW SECTION. TESTS PURSUANT TO WARRANTS.

1. Refusal to consent to a test under section 321B.3 does not prohibit the withdrawal of a specimen for chemical testing pursuant to a search warrant issued in the investigation of a suspected violation of section 707.5 where the following grounds exist:

a. A traffic accident has resulted in a death or personal injury reasonably likely to cause death, and

b. There are reasonable grounds to believe that one or more of the persons whose driving may have been the proximate cause of the accident was violating section 321.281 at the time of the accident.

2. Search warrants may be issued under this section in full compliance with chapter 808 or they may be issued under subsection 3 of this section.

3. Notwithstanding section 808.3, the issuance of a search warrant under this section may be based upon sworn oral testimony communicated by telephone if the magistrate who is asked to issue the warrant is satisfied that the circumstances make it reasonable to dispense with a written affidavit. The following shall then apply:

a. When a caller applies for the issuance of a warrant under this section and the magistrate becomes aware of the purpose of the call, the magistrate shall place under oath the person applying for the warrant.

b. The person applying for the warrant shall prepare a duplicate warrant and read the duplicate warrant, verbatim, to the magistrate who shall enter, verbatim, what is read to the magistrate on a form that will be considered the original warrant. The magistrate may direct that the warrant be modified.

c. The oral application testimony shall set forth facts and information tending to establish the existence of the grounds for the warrant and shall describe with a reasonable degree of specificity the person or persons whose driving is believed to have been the proximate cause of the accident and from whom a specimen is to be withdrawn and the location where the withdrawal of the specimen or specimens is to take place.

d. If a voice recording device is available, the magistrate may record by means of that device all of the call after the magistrate becomes aware of the purpose of the call. Otherwise, the magistrate shall cause a stenographic or longhand memorandum to be made of the oral testimony of the person applying for the warrant.

e. If the magistrate is satisfied from the oral testimony that the grounds for the warrant exists or that there is probable cause to believe that they exist, the magistrate shall order the issuance of the warrant by directing the person applying for the warrant to sign the magistrate's name on the duplicate warrant. The magistrate shall immediately sign the original warrant and enter on its face the exact time when the issuance was ordered.

f. The person who executes the warrant shall enter the time of execution on the face of the duplicate warrant.

g. The magistrate shall cause any record of the call made by means of a voice recording device to be transcribed, shall certify the accuracy of the transcript, and shall file the transcript and the original record with the clerk. If a stenographic or longhand memorandum was made of the oral testimony of the person who applied for the warrant, the magistrate shall file a signed copy with the clerk.

h. The clerk of court shall maintain the original and duplicate warrants along with the record of the telephone call and any transcript or memorandum made of the call in a confidential file until a charge, if any, is filed.

4. Search warrants issued under this section shall authorize and direct peace officers to secure the withdrawal of blood specimens by medical personnel under section 321B.4. Reasonable care shall be exercised to ensure the health and safety of the persons from whom specimens are withdrawn in execution of the warrants. If a person from whom a specimen is to be withdrawn objects to the withdrawal of blood, the person is capable of giving a specimen of breath, and a direct breath testing instrument is readily available, the warrant may be executed by the withdrawal of a specimen of breath for chemical testing.

5. The act of any person knowingly resisting or obstructing the withdrawal of a specimen pursuant to a search warrant issued under this section constitutes a contempt punishable by a fine not exceeding one thousand dollars or imprisonment in a county jail not exceeding one year or by both such fine and imprisonment. Also, if the withdrawal of a specimen is so resisted or obstructed, sections 321B.7 and 321B.11 apply.

6. Nonsubstantive variances between the contents of the original and duplicate warrants shall not cause a warrant issued under subsection 3 of this section to be considered invalid.

7. Specimens obtained pursuant to warrants issued under this section are not subject to disposition under section 808.9 or chapter 809.

8. Subsections 1 through 7 of this section do not apply where a test may be administered under section 321B.5.

9. Medical personnel who use reasonable care and accepted medical practices in withdrawing blood specimens are immune from liability for their actions in complying with requests made of them pursuant to search warrants or pursuant to section 321B.4."

6. Page 5, by striking lines 14 through 18 and inserting in lieu thereof the following:

"34. Page 12, by striking lines 12 through 17 and inserting in lieu thereof the following: "nonresident operating privilege for a period of not less than one hundred twenty eighty days nor more than one year if the person has no previous revocation under section 321.209, subsection 2, section 321.281, or chapter 321B; one year if the person has one previous revocation under those provisions; and five hundred forty days if the person has two or more previous revocations under those provisions; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director department shall deny to the person the issuance of a license or permit for the same period a license or permit would be revoked within one year from the date of the alleged".

7. Page 5, by striking lines 22 and 23.

8. Page 5, by striking lines 28 and 29 and inserting in lieu thereof the following:

"39. Page 15, line 9, by inserting after the words "accept guilty pleas" the words "if the defendant is represented by legal counsel"."

9. Page 5, by inserting after line 42 the following:

"42. Amend the title, lines 7 and 8, by striking the words "and making it effective upon publication"."

10. By renumbering and correcting internal references to conform with this amendment.

ON THE PART OF THE HOUSE:

DOUGLAS RITSEMA, Chair
 BETTY JEAN CLARK
 VIRGIL E. COREY
 DANIEL JAY
 JOSEPH J. WELSH

ON THE PART OF THE SENATE:

A. R. (BUD) KUDART, Chair
 BOB CARR
 LUCAS J. DeKOSTER
 MICK LURA
 ARTHUR A. SMALL, JR.

The motion prevailed and the report was adopted.

Ritsema of Sioux moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2369)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Lloyd-Jones	Loneragan
Mann	Maulsby	McKean	Mullins
Norland	O'Kane	Oxley	Pavich
Pellett	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schneklloth	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Sturgeon	Sullivan	Swartz	Swearingen
Tofte	Trucano	Tyrrell	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			
(Menke)			

The nays were, none.

Absent or not voting, 3:

Avenson

Binneboese

Howell

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

ADOPTION OF SENATE CONCURRENT RESOLUTION 137

Pope of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 137 as follows, and moved its adoption:

SENATE CONCURRENT RESOLUTION 137

By Committee on Rules and Administration

1 *Whereas*, many resolutions have been introduced in both
2 the Senate and the House of Representatives calling for interim
3 studies; and

4 *Whereas*, several legislators have indicated a desire to
5 introduce resolutions proposing additional interim studies;
6 and

7 *Whereas*, the time period between the 1982 session of the
8 Sixty-ninth General Assembly and the 1983 session of the
9 Seventieth General Assembly is limited and there have been
10 proposals for studies which appear to have merit but, because
11 of their complexity and number, cannot all be properly
12 conducted during the next interim period; and

13 *Whereas*, it is impractical to debate the relative merits
14 of all proposals; *Now Therefore*,

15 *Be It Resolved by the Senate, the House Concurring*, That
16 all resolutions calling for interim studies which have not
17 been adopted by both houses be delivered by the Secretary
18 of the Senate, on the part of the Senate, and the Chief Clerk
19 of the House, on the part of the House, to the Legislative
20 Council, which shall determine priorities and shall authorize
21 such studies as may be feasible within the limits of the
22 staff, time and funds available; and

23 *Be It Further Resolved*, That any legislator desiring to
24 propose any interim study not already contained in a resolution
25 already filed shall submit a letter to the Secretary of the
26 Senate or the Chief Clerk of the House describing the study;
27 and

28 *Be It Further Resolved*, That the Secretary of the Senate
29 and Chief Clerk of the House shall deliver such letters to
30 the Legislative Council with any resolutions already filed.
31 The Legislative Council shall give equal consideration to
32 all studies proposed, whether by letter or resolution.

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 April 24, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2476, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance,

K. MARIE THAYER, Secretary

SENATE AMENDMENT CONSIDERED

House Concurs

Van Maanen of Mahaska called up for consideration **House File 2476**, a bill for an act relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-6065

1 Amend House File 2476 as passed by the House, as
2 follows:

3 1. Page 1, line 16, by inserting after the word
4 "assignment." the words "If an applicant or another
5 person covered by an application ceases to receive
6 assistance under this chapter and the applicant or
7 other person covered by the application receives a
8 periodic support payment, the department of social
9 services is entitled only to that amount of the
10 periodic support payment above the current periodic
11 support obligation."

12 2. Page 1, line 27, by inserting after the word
13 "services." the words "The department shall immediately
14 notify the clerk of court by mail when a person
15 entitled to support payments has been determined to
16 be eligible for public assistance."

17 3. Page 2, by inserting after line 7 the following:
18 "Sec. . Section 252B.3, Code 1981, is amended

19 by adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. The department of social
21 services may negotiate a partial payment of a support
22 obligation with a parent or other person responsible
23 for the support of the child, provided that the
24 negotiation and partial payment are consistent with
25 applicable federal law and regulation."

26 4. Page 2, line 18, by inserting after the word
27 "services." the words "The department shall immediately
28 notify the clerk of court by mail when a person
29 entitled to support payments has been determined to
30 be eligible for public assistance."

31 5. Page 3, line 7, by inserting after the word
32 "services." the words "The department shall immediately
33 notify the clerk of court by mail when a person
34 entitled to support payments has been determined to
35 be eligible for public assistance."

36 6. By numbering and renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H—6065.

Van Maanen of Mahaska 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. 2476)

The ayes were, 97:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Clements
Cochran	Conlon	Connolly	Connors
Cook	Copenhaver	Corey	Crabb
Daggett	Danker	Davitt	De Groot
Dieleman	Diemer	Doderer	Egenes
Fey	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Horn	Hummel	Jay	Jochum
Johnson, J.	Johnson, R.	Johnson, W.	Knapp
Krewson	Lageschulte	Lind	Lloyd-Jones
Lonergan	Mann	Maulsby	McKean
Mullins	Norland	O'Kane	Oxley
Pavich	Pellett	Pelton	Petrick
Poffenberger	Poncy	Pope	Rapp

Renaud	Renken	Ritsema	Rosenberg
Running	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker (Menke)			

The nays were, none.

Absent or not voting, 3:

Binneboese

Howell

Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1982, passed the following bill in which the concurrence of the House is asked:

Senate File 2312, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

K. MARIE THAYER, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2312, by committee on ways and means, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

Read first time and **passed on file**.

SENATE FILE 2312 SUBSTITUTED FOR HOUSE FILE 2496

Pope of Polk asked and received unanimous consent to substitute Senate File 2312 for House File 2496.

CONSIDERATION OF BILL Ways and Means Calendar

Senate File 2312, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication, with report of committee recommending passage was taken up for consideration.

Pope of Polk asked and received unanimous consent to temporarily defer action on Senate File 2312.

HOUSE RULES 2 AND 15 SUSPENDED

Pope of Polk asked and received unanimous consent to suspend House Rule 2 to continue session beyond 6:00 p.m. and House Rule 15 to permit food in the chamber.

MOTION TO RECONSIDER WITHDRAWN (House File 2460)

Conlon of Muscatine asked and received unanimous consent to withdraw the motion to reconsider House File 2460, a bill for an act amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient

examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code, filed on April 24, 1982.

The House resumed consideration of **Senate File 2312**, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

Pope of Polk asked and received unanimous consent to temporarily defer action on Senate File 2312.

MOTION TO RECONSIDER WITHDRAWN
(House File 2369)

Ritsema of Sioux asked and received unanimous consent to withdraw the motion to reconsider House File 2369, a bill for an act relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication, filed on April 24, 1982.

IMMEDIATE MESSAGE
(House File 2369)

Pope of Polk asked and received unanimous consent to immediately message House File 2369 to the Senate.

The House resumed consideration of **Senate File 2312**, a bill for an act authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2312)

The ayes were, 74:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Branstad	Bruner
Byerly	Carl	Clark, B. J.	Clark, J. H.
Clements	Cochran	Conlon	Cook
Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. A.	Halvorson, R. N.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Horn
Jay	Jochum	Johnson, J.	Johnson, W.
Knapp	Lageschulte	Lind	Lloyd-Jones
Loneragan	Mann	McKean	Mullins
Norland	Oxley	Pavich	Pellett
Petrick	Poffenberger	Pope	Rapp
Renaud	Rosenberg	Schneklath	Schroeder
Shull	Smith	Spear	Stromer
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Trucano	Tyrrell	Van Maanen
Welsh	Mr. Speaker (Menke)		

The nays were, 22:

Brandt	Carpenter	Chiodo	Connolly
Connors	Copenhaver	Corey	Hummel
Johnson, R.	Krewson	Maulsby	O'Kane
Pelton	Poncy	Renken	Ritsema
Running	Smalley	Tofte	Walter
Welden	Woods		

Absent or not voting, 4:

Binneboese	Fey	Holt	Howell
------------	-----	------	--------

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT TO VOTE

Jochum of Dubuque asked and received unanimous consent to be recorded as voting "aye" on Senate File 2312.

The vote was so recorded.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2463)

Stueland of Clinton called up for consideration the report of the conference committee on House File 2463 as follows and moved the

adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2463

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on House File 2463, a bill for an act to consolidate the regulation and management of water resources by creating and transferring to the Iowa water council, all of the powers and duties of the Iowa natural resources council, the powers and duties of the department of environmental quality relating to water pollution control and water quality, the powers and duties of the department of health relating to the regulation of the construction, maintenance, and abandonment of nonpublic water systems and wells, making corresponding amendments to the Code, and providing penalties for violations and an effective date, respectfully make the following report:

1. That the Senate recedes from its amendment.

2. That House File 2463, as amended, passed, and reprinted by the House, be amended by striking everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section 455B.1, subsections 1, 2, and 3, Code 1981, are amended to read as follows:

1. "Department" means the department of environmental quality water, air and waste management.

2. "Executive director" means the executive director of the department of environmental quality water, air and waste management or his a designee of the executive director.

3. "Commission" means the environmental quality water, air and waste management commission.

Sec. 2. Section 455B.2, unnumbered paragraph 1, Code 1981, is amended to read as follows:

There is created a department of environmental quality water, air and waste management. The chief administrative officer of the department shall be is the executive director of environmental quality, who shall be appointed by the governor, subject to confirmation by the senate, and serve at the governor's pleasure.

Sec. 3. Section 455B.4, subsections 1 and 6, Code 1981, are amended to read as follows:

1. There is created an environmental quality water, air and waste management commission consisting of nine members, not more than five of whom shall be from the same political party. The members shall be appointed by the governor subject to confirmation by the senate. Each member of the commission must be an elector of the state, and have interest and knowledge of the subjects embraced in this chapter. The membership of the commission shall be as follows: Three members actively engaged in

livestock and grain farming, a member actively engaged in the management of a manufacturing company, one member actively engaged in the business of finance or commerce, and four members who are electors of the state. The members of the commission shall be appointed to four-year, staggered terms of office commencing and ending as provided in section 69.19. Vacancies occurring during a term of office shall be filled by appointment for the balance of the unexpired term subject to confirmation by the senate. A commission member shall not be appointed to serve more than two consecutive four-year terms.

6. The executive director shall notify the secretary of agriculture, the commissioner of public health, the chief administrative officer of the department of soil conservation, the director of the Iowa natural resources council, the director of the state conservation commission, the Iowa geological survey, and the director of the state hygiene laboratory of the scheduled meetings of the commission.

Sec. 4. Section 455B.5, subsection 3, Code 1981, is amended to read as follows:

3. Adopt, modify, or repeal rules necessary to implement the provisions of this chapter and the rules deemed necessary for the effective administration of the department. A rule adopted under this chapter to carry out a federal regulation shall not become effective if the rule is more restrictive than required by the federal regulation unless the rule is approved by enactment of the general assembly. It is the intent of the general assembly that the commission exercise strict oversight of the operations of the department. The rules shall include departmental policy relating to the disclosure of information on a violation or alleged violation of the rules, standards, permits or orders issued by the department and keeping of confidential information obtained by the department in the administration and enforcement of the provisions of this chapter. Rules adopted by the executive committee before January 1, 1981 shall remain effective until modified or rescinded by action of the commission.

Sec. 5. Section 455B.5, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Appoint a water coordinator who shall coordinate requests from the public for information or assistance relating to the administration of water resources laws and programs and the resolution of water-related problems.

Sec. 6. Section 455B.30, subsection 8, Code 1981, is amended by striking the subsection.

Sec. 7. Section 455B.30, subsection 19, Code 1981, is amended to read as follows:

19. "Public water supply system" means a system for the provision to the public of piped water for human consumption, if such the system has at least fifteen twenty service connections or regularly serves at least twenty-five one hundred individuals. Such The term includes any source of water and any collection, treatment, storage, and distribution facilities under control of the operator of such the system and used primarily in connection with such the system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such the system.

Sec. 8. Section 455B.30, Code 1981, is amended by adding the following new subsections:

NEW SUBSECTION. "Private water supply" means any water supply for human consumption which has less than twenty service connections or regularly serves less than one hundred individuals.

NEW SUBSECTION. "Private sewage disposal system" means a system for the treatment or disposal of domestic sewage from four or fewer dwelling units.

Sec. 9. Section 455B.31, Code 1981, is amended to read as follows:

455B.31 ADMINISTRATIVE AGENCY.

1. The department shall be is the agency of the state to prevent, abate, or control water pollution and to conduct the public water supply program.

2. The department is the state agency designated to carry out the state responsibilities related to private water supplies and private sewage disposal systems for the protection of the health of the citizens of this state. The commission shall adopt guidelines and provide model standards for private water supplies and private sewage disposal facilities for use of the local boards of health. Each local board of health is the agency to regulate private water supplies and private sewage disposal systems. Each local board of health shall adopt standards relating to the design and construction of private water supplies and private sewage disposal facilities.

Sec. 10. Section 455B.32, subsection 4, Code 1981, is amended by striking the subsection.

Sec. 11. Section 455B.45, subsection 1, Code 1981, is amended to read as follows:

1. The construction, installation or modification of any disposal system or public water supply distribution system or part thereof or any extension or addition thereto except those sewer extensions and water supply distribution system extensions that are subject to review and approval by a city or county public works department pursuant to this section. A permit shall be issued for the construction, installation or modification of a public water supply distribution system or part of a system if a qualified, registered engineer certifies to the commission that the plans for the system or part of the system meet the requirements of federal law or regulations. The permit shall state that approval is based only upon the engineer's certification that the system's design meets the requirements of all applicable federal laws and regulations.

Sec. 12. Section 455B.53, subsection 6, Code 1981, is amended to read as follows:

6. ~~Two members~~ One member who shall not be is not a certificated waterworks operators operator or certificated waste waterworks operators operator, but who shall be interested and knowledgeable in water supply or waste water collection and treatment, and who shall represent the general public.

Sec. 13. Section 455B.53, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION: One member who is a director of the board of a rural water district established under chapter 357A or 504A.

Sec. 14. Chapter 455B, division III, Code 1981, is amended by adding sections 15 through 34 of this Act as a new part.

Sec. 15. **NEW SECTION. DEFINITIONS.** As used in this part of division III, unless the context otherwise requires:

1. "Flood plains" means the area adjoining a river or stream which has been or is covered by flood water.

2. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any river or stream.

3. "Surface water" means the water occurring on the surface of the ground.

4. "Ground water" means that water occurring beneath the surface of the ground.

5. "Diffused waters" means waters from precipitation and snowmelt which is not a part of any watercourse or basin including capillary soil water.

6. "Depleting use" means the storage, diversion, conveyance, or other use of a supply of water if the use may impair rights of lower or surrounding users, may impair the natural resources of the state, or may injure the public welfare if not controlled.

7. "Beneficial use" means the application of water to a useful purpose that inures to the benefit of the water user and subject to the user's dominion and control but does not include the waste or pollution of water.

8. "Nonregulated use" means the use of water for ordinary household purposes, use of water for poultry, livestock, and domestic animals, any beneficial use of surface flow from rivers bordering this state, any existing beneficial uses of water within the territorial boundaries of municipal corporations on May 16, 1957, and any other beneficial use of water by any person of less than twenty-five thousand gallons per day. However, industrial users of water, having their own water supply, within the territorial boundaries of municipal corporations, shall be regulated when their water use exceeds three percent more than the highest per day beneficial use prior to May 16, 1957.

9. "Regulated use" means any depleting use except a use specifically designated as a nonregulated use.

10. "Permit" means a written authorization issued by the department to a permittee which is limited as to quantity, time, place, and rate of diversion, storage, or withdrawal in accordance with the policies and principles of beneficial use as specified in this part.

11. "Permittee" means a person who obtains a permit from the department authorizing the person to take possession by diversion or otherwise and to use and apply an allotted quantity of water for a designated beneficial use, and who makes actual use of the water for that purpose.

12. "Waste" means any of the following:

a. Permitting ground water or surface water to flow, or taking it or using it in any manner so that it is not put to its full beneficial use.

b. Transporting ground water from its source to its place of use in such a manner that there is an excessive loss in transit.

c. Permitting or causing the pollution of a water-bearing strata through any act which will cause salt water, highly mineralized water, or otherwise contaminated water to enter it.

13. "Watercourse" means any lake, river, creek, ditch, or other body of water or channel having definite banks and bed with visible evidence of the flow or occurrence of water, except lakes or ponds without outlet to which only one landowner is riparian.

14. "Basin" means a specific subsurface water-bearing reservoir having reasonably ascertainable boundaries.

15. "Established average minimum flow" means the average minimum flow for a given watercourse at a given point determined and established by the commission. The "average minimum flow" for a given watercourse shall be determined by the following factors:

a. Average of minimum daily flows occurring during the preceding years chosen by the commission as more nearly representative of changing conditions and needs of a given drainage area at a particular time.

b. Minimum daily flows shown by experience to be the limit at which further withdrawals would be harmful to the public interest in any particular drainage area.

c. The minimum daily flows shown by established discharge records and experiences to be definitely harmful to the public interest.

The determination shall be based upon available data, supplemented, when available data are incomplete, with whatever evidence is available.

16. "Impounded or stored water" means that water captured and stored on the land by anyone taking it pursuant to this chapter, and the party impounding the water shall become the absolute owner of the stored water.

Sec. 16. NEW SECTION. DECLARATION OF POLICY.

1. It is recognized that the protection of life and property from floods, the prevention of damage to lands from floods, and the orderly development, wise use, protection, and conservation of the water resources of the state by their considered and proper use is of paramount importance to the welfare and prosperity of the people of the state, and to realize these objectives, it is the policy of the state to correlate and vest the powers of the state in a single agency, the department, with the duty and authority to assess the water needs of all water users at five-year intervals for the twenty years beginning January 1, 1983, and ending December 31, 2003, utilizing a data base

developed and managed by the Iowa geological survey, and prepare a general plan of water allocation in this state considering the types of water resources available in this state designed to meet the specific needs of the water users. The general welfare of the people of the state requires that the water resources of the state be put to beneficial use to the fullest extent possible, and that the waste or unreasonable use, or unreasonable methods of use of water be prevented, and that the conservation of water resources be encouraged with the view to their reasonable and beneficial use in the interest of the people, and that the public and private funds for the promotion and expansion of the beneficial use of water resources be invested to the end that the best interests and welfare of the people are served.

2. Water occurring in a basin or watercourse, or other natural body of water of the state, is public water and public wealth of the people of the state and subject to use in accordance with this chapter, and the control and development and use of water for all beneficial purposes is vested in the state, which shall take measures to encourage full utilization and protection of the water resources of the state.

Sec. 17. NEW SECTION. DUTIES.

1. a. Not later than January 15, 1985, the commission shall deliver to the secretary of the senate and the chief clerk of the house identical joint resolutions enacting a general plan of water allocation priorities for this state, considering the types of water resources available in the state and the water needs of all types of water users in this state, with a recommendation on the most effective means of implementation of the plan. It is the intent of this subsection that the general assembly shall bring the joint resolution to a vote in either chamber under a procedure or rule permitting no amendments except those of a purely corrective nature. If by the end of the fourth week of the 1985 regular session, the joint resolution embodying the plan is not approved by a constitutional majority in both chambers, the commission shall, by the end of the sixth week of the 1985 regular session, prepare and deliver to the secretary of the senate and the chief clerk of the house identical joint resolutions embodying a second plan, taking into account the reasons cited by either the secretary of the senate or chief clerk of the house for the failure of the first plan.

b. If, proceeding under a procedure or rule permitting amendments in the same manner as other joint resolutions, the joint resolution embodying the second plan is not adopted by a constitutional majority in both chambers by the end of the tenth week of the 1985 regular session, the commission shall, by the end of the eleventh week of the 1985 regular session, prepare and deliver to the secretary of the senate and the chief clerk of the house identical joint resolutions embodying a third plan, taking into account the reasons cited by either the secretary of the senate or chief clerk of the house for failure of the second plan. It is the intent of this subsection that the third joint resolution be subject to amendment in the same manner as other joint resolutions, and be adopted by the end of the 1985 Session, including any extraordinary sessions of the general assembly.

2. The commission shall designate the official representative of this state on all comprehensive water resources planning groups for which state participation is provided. The commission shall coordinate state planning with local and national planning and, in safeguarding the interests of the state and its people, shall undertake the resolution of any conflicts that may arise between the water resources policies, plans,

and projects of the federal government and the water resources policies, plans, and projects of the state, its agencies, and its people. This section does not limit or supplant the functions, duties, and responsibilities of other state or local agencies or institutions with regard to planning of water-associated projects within the particular area of responsibility of those state or local agencies or institutions.

3. The commission shall enter into negotiations and agreements with the federal government relative to the operation of, or the release of water from, any project that has been authorized or constructed by the federal government when the commission deems the negotiations and agreements to be necessary for the achievement of the policies of this state relative to its water resources.

4. The commission, on behalf of the state, shall enter into negotiations with the federal government relative to the inclusion of conservation storage features for water supply in any project that has been authorized by the federal government when the commission deems the negotiations to be necessary for the achievement of the policies of this state, however, an agreement reached pursuant to these negotiations does not bind the state until enacted into law by the general assembly.

5. A water user who benefits from the development by the federal government of conservation storage for water supply shall be encouraged to assume the responsibility for repaying to the federal government any reimbursable costs incurred in the development, and a user who accepts benefits from the developments financed in whole or part by the state shall assume by contract the responsibility of repaying to the state the user's reasonable share of the state's obligations in accordance with a basis which will assure payment within the life of the development. An appropriation, diversion, or use shall not be made by a person of any waters of the state that have been stored or released from storage either under the authority of the state or pursuant to an agreement between the state and the federal government until the person has assumed by contract the person's repayment responsibility. However, this subsection does not infringe upon any vested property interests.

6. In its contracts with water users for the payment of state obligations incurred in the development of conservation storage for water supply, the commission shall include the terms deemed reasonable and necessary:

- a. To protect the health, safety, and general welfare of the people of the state.
- b. To achieve the purposes of this chapter.
- c. To provide that the state is not responsible to any person if the waters involved are insufficient for performance.

The commission may designate and describe any such contract, and describe the relationships to which it relates, as a sale of storage capacity, a sale of water release services, a contract for the storage or sale of water, or any similar terms suggestive of the creation of a property interest. The term of the contracts shall be commensurate with the investment and use concerned, but the commission shall not enter into any such contract for a term in excess of the maximum period provided for water use permits.

7. The commission shall procure flood control works and water resources projects from or by cooperation with any agency of the United States, by cooperation with the cities and other subdivisions of the state under the laws of the state relating to flood control and use of water resources, and by cooperation with the action of landowners in areas affected by the works or projects when the commissioner deems the projects to be necessary for the achievement of the policies of this state.

8. The commission shall promote the policies set forth in this part and shall represent this state in all matters within the scope of this part. The commission shall adopt rules pursuant to chapter 17A as necessary to transact its business and for the administration and exercise of its powers and duties.

9. In carrying out its duties, the commission may accept gifts, contributions, donations and grants, and use them for any purpose within the scope of this part.

Sec. 18. NEW SECTION. JURISDICTION—DIVERSION OF WATER.

1. The commission has jurisdiction over the public and private waters in the state and the lands adjacent to the waters necessary for the purposes of carrying out this part. The commission may construct flood control works or any part of the works. In the construction of the works, in making surveys and investigations, or in formulating plans and programs relating to the water resources of the state, the commission may cooperate with an agency of another state or the United States, or with any other person.

2. Upon application by any person for permission to divert, pump, or otherwise take waters from any watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use, the executive director shall investigate the effect of the use upon the natural flow of the watercourse, the effect of the use upon the owners of any land which might be affected by the use, whether the use is consistent with the plan of water allocation priorities for this state, and shall hold a hearing.

3. Upon application by any person for approval of the construction or maintenance of any structure, dam, obstruction, deposit, or excavation to be erected, used, or maintained in or on the flood plains of any river or stream, the department shall investigate the effect of the construction or maintenance project on the efficiency and capacity of the floodway and on the plan of water allocation priorities for this state. In determining the effect of the proposal the department shall consider fully its effect on flooding of or flood control for any proposed works and adjacent lands and property, on the wise use and protection of water resources, on the quality of water, on fish, wildlife, and recreational facilities or uses, and on all other public rights and requirements.

Sec. 19. NEW SECTION. PERMITS FOR DIVERSION, STORAGE, AND WITHDRAWAL. If the department determines after due investigation that the diversion, storage, or withdrawal of water will not be detrimental to the public interests, including drainage and levee districts, or to the interests of property owners with prior or superior rights who may be affected, the department shall grant a permit for the diversion, storage, or withdrawal. Permits may be granted for any period of time not exceeding ten years except permits for the storage of water which may be granted for

the life of the structure unless revoked by the commission. All existing storage permits are extended for the life of the structure unless withdrawn for good cause. Permits may be granted which provide for less diversion, storage, or withdrawal of waters than set forth in the application. A permit granted shall remain as an appurtenance of the land described in the permit through the date specified in the permit and any extension of the permit or until earlier date if the permit or any extension of the permit is modified or canceled under section 25 of this Act. Upon application for a permit prior to the termination date specified in the permit, a permit may be renewed by the department for any period of time not to exceed ten years.

Sec. 20. NEW SECTION. PRIORITY OF PERMITS FOR DIVERSION, STORAGE, AND WITHDRAWAL. In the consideration of applications for permits, priority in processing shall be given to persons in the order that the applications are received, except that this processing priority shall not affect the substantive priorities established under the plan of water allocation priorities for this state and except where the application of this priority system prevents the prompt approval of routine applications or where the public health, safety or welfare will be threatened by delay. The executive director or the commission on appeal shall determine the duration and frequency of withdrawal and the quantity of water for which a permit may be granted. Any person with an existing irrigation system in use prior to May 16, 1957, shall be issued a permit to continue unless its use damages some other riparian user. In the consideration of applications for permits by regulated users, the plan of water allocation priorities for this state as adopted by the general assembly establishes standards for the determination of the disposition of the applications for permits. If there is competition for water, the use of water for irrigation has a lower priority than other beneficial uses of water subject to conditions which the commission may establish by rule. This part does not impair the vested right of any person.

Sec. 21. NEW SECTION. PERMITS FOR BENEFICIAL USE—PROHIBITIONS.

1. The executive director or the commission may issue a permit for beneficial use of water in a watercourse if the established average minimum water flow is preserved.

2. A use of water shall not be authorized if it will impair the effect of this chapter or any other pollution control law of this state.

3. A permit shall not be issued or continued if it will impair the navigability of any navigable watercourse.

Sec. 22. NEW SECTION. WHEN PERMIT REQUIRED.

1. A permit shall be required for the following:

a. A municipal corporation or a person supplying a municipal corporation which increases its water use in excess of one hundred thousand gallons or three percent, whichever is the greater, per day more than its highest per day beneficial use prior to

May 16, 1957. The corporation or person shall make reasonable provision for the storage of water at times when the daily use of the water by the corporation or person is less than the amount specified in this subsection.

b. Except for a nonregulated use, a person using in excess of twenty-five thousand gallons of water per day, diverted, stored, or withdrawn from any source of supply except a municipal water system or any other source specifically exempted under this part.

c. A person who diverts water or any material from the surface directly into an underground watercourse or basin.

d. Industrial users of water having their own water supply within the territorial boundaries of municipal corporations when the water use exceeds three percent more than the highest per day beneficial use prior to May 16, 1957.

2. The commission may adopt, modify, or repeal rules pursuant to chapter 17A specifying the conditions under which the executive director may authorize specific nonrecurring minor uses of water for periods not to exceed one year through registration.

3. Notwithstanding any exemptions from permit requirements, nothing in this part exempts water users from requirements for reporting which the commission adopts by rule.

Sec. 23. NEW SECTION. TAKING WATER PROHIBITED. A person shall not take water from a natural watercourse, underground basin or watercourse, drainage ditch, or settling basin within this state for any purpose other than a nonregulated use except in compliance with this part. However, existing uses may be continued during the period of the pendency of an application for a permit.

Sec. 24. NEW SECTION. RIGHTS PRESERVED. This part does not deprive any person of the right to use diffused waters, to drain land by use of tile, open ditch, or surface drainage, or to construct an impoundment on the person's property or across a stream that originates on the person's property if provision is made for safe construction and for a continued established average minimum flow when the flow is required to protect the rights of water users below.

Sec. 25. NEW SECTION. MODIFICATION OR CANCELLATION OF PERMITS. Each permit issued under this part is irrevocable for its term and for any extension of its term except as follows:

1. A permit may be modified or canceled by the department with the consent of the permittee.

2. Subject to appeal to the commission, a permit may be modified or canceled by the executive director if any of the following occur:

- a. There is a breach of the terms of the permit.
- b. There is a violation of the law pertaining to the permit by the permittee or the permittee's agents.
- c. There is a circumstance of nonuse as provided in section 26 of this Act.
- d. The department finds that modification or cancellation is necessary to protect the public health or safety, to protect the public interests in lands or waters, or to prevent substantial injury to persons or property in any manner. Before the modification or cancellation is effective, the department shall give at least thirty days' written notice mailed to the permittee at the permittee's last known address, stating the grounds of the proposed modification or cancellation and giving the permittee an opportunity to be heard on the proposal.

3. By written order to the permittee, the department may suspend operations under a permit if the executive director finds it necessary in an emergency to protect the public health, to protect the public interest in waters against imminent danger of substantial injury in any manner or to an extent not expressly authorized by the permit, or to protect persons or property against imminent danger. The department may require the permittee to take measures necessary to prevent or remedy the injury, but an order shall not be in effect for more than thirty days from the date of issue without giving the permittee at least ten days' written notice of the order and an opportunity to be heard on the order.

Sec. 26. NEW SECTION. TERMINATION OF PERMIT. The right of the permittee and the permittee's successors to the use of water shall terminate when the permittee or the permittee's successors fail for three consecutive years to use it for the specific beneficial purpose authorized in the permit and, after notification by the department of intent to cancel the permit for nonuse, the permittee or the permittee's successors fail to demonstrate adequate plans to use water within a reasonable time.

Sec. 27. NEW SECTION. DISPOSAL OF PERMIT. A permittee may sell, transfer, or assign a permit by conveying, leasing, or otherwise transferring the ownership of the land described in the permit, but the permit does not constitute ownership or absolute rights of use of the waters. The waters remain subject to the principle of beneficial use and the orders of the executive director or commission.

Sec. 28. NEW SECTION. UNAUTHORIZED DEPLETING USES. If a person files a complaint with the department that another person is making a depleting use of water not expressly exempted as a nonregulated use under this part and without a permit to do so, the department shall cause an investigation to be made and if the facts stated in the complaint are verified the department shall order the discontinuance of the use.

Sec. 29. NEW SECTION. PROHIBITED ACTS—POWERS OF COMMISSION AND EXECUTIVE DIRECTOR.

1. A person shall not erect, use or maintain a structure, deposit, or excavation in or on a floodway or flood plains, which will adversely affect the efficiency of or unduly restrict the capacity of the floodway, adversely affect the control, development, protection, allocation, or utilization of the water resources of the state, and the same are declared to be public nuisances. However, this subsection does not apply to dams constructed and operated under the authority of chapter 469.

2. The department may commence, maintain, and prosecute any appropriate action to enjoin or abate a nuisance, including any of the nuisances specified in subsection 1 and any other nuisance which adversely affects flood control.

3. If a person desires to erect or make or to permit a structure, dam, obstruction, deposit or excavation, other than a dam constructed and operated under chapter 469, to be erected, made, used, or maintained in or on any floodway or flood plains, the person shall file a verified written application with the department, setting forth information as required by rule of the commission. The department, after an investigation, shall approve or deny the application imposing conditions and terms as prescribed by the department.

4. The department may maintain an action in equity to enjoin a person from erecting or making or permitting to be made a structure, dam, obstruction, deposit, or excavation other than a dam constructed and operated under the authority of chapter 469, for which a permit has not been granted. The department may also seek judicial abatement of any structure, dam, obstruction, deposit, or excavation erected or made without a permit required under this part. The abatement proceeding may be commenced to enforce an administrative determination of the department in a contested case proceeding that a public nuisance exists and should be abated.

5. The department may remove or eliminate a structure, dam, obstruction, deposit, or excavation in a floodway which adversely affects the efficiency of or unduly restricts the capacity of the floodway, by an action in condemnation, and in assessing the damages in the proceeding, the appraisers and the court shall take into consideration whether the structure, dam, obstruction, deposit, or excavation is lawfully in or on the floodway in compliance with this part.

6. The department may require, as a condition of an approval order or permit granted pursuant to this part or chapter 469, the furnishing of a performance bond with good and sufficient surety, conditioned upon full compliance with the order or permit and the rules of the commission. In determining the need for and amount of bond, the department shall give consideration to the hazard posed by the construction and maintenance of the approved works and the protection of the health, safety, and welfare of the people of the state. This subsection does not apply to orders or permits granted to a governmental entity.

7. When approving a request to straighten a stream, the department may establish as a condition of approval a permanent prohibition against tillage of land owned by the person receiving the approval and lying within a minimum distance from the stream sufficient in the judgment of the director or commission to hold soil erosion to reasonable limits. The department shall record the prohibition in the office of the county recorder of the appropriate county and the prohibition shall attach to the land.

8. The commission shall establish, by rule, thresholds for dimensions and effects, and any structure, dam, obstruction, deposit, or excavation having smaller dimensions and effects than those established by the commission is not subject to regulation under this section. The thresholds shall be established so that only those structures, dams, obstructions, deposits, or excavations posing a significant threat to the well-being of the public and the environment are subject to regulation.

Sec. 30. NEW SECTION. FLOOD PLAINS—ENCROACHMENT LIMITS. The commission may establish and enforce rules for the orderly development and wise use of the flood plains of any river or stream within the state and alter, change, or revoke the rules. The commission shall determine the characteristics of floods which reasonably may be expected to occur and may establish by order encroachment limits, protection methods, and minimum protection levels appropriate to the flooding characteristics of the stream and to reasonable use of the flood plains. The order shall fix the length of flood plains to be regulated at any practical distance, the width of the zone between the encroachment limits so as to include portions of the flood plains adjoining the channel, which with the channel, are required to carry and discharge the flood waters or flood flow of the river or stream, and the design discharge and water surface elevations for which protection shall be provided for projects outside the encroachment limits but within the limits of inundation. Plans for the protection of projects proposed for areas subject to inundation shall be reviewed as plans for flood control works within the purview of section 31 of this Act. An order establishing encroachment limits shall not be issued until due notice of the proposed order is given and opportunity for public hearing given for the presentation of protests against the order. In establishing the limits, the commission shall avoid to the greatest possible degree the evacuation of persons residing in the area of a floodway, the removal of residential structures occupied by the persons in the area of a floodway, and the removal of structures erected or made prior to July 4, 1965, which are located on the flood plains of a river or stream but not within the area of a floodway.

The commission shall cooperate with and assist local units of government in the establishment of encroachment limits, flood plain regulations, and zoning ordinances relating to flood plain areas within their jurisdiction. Encroachment limits, flood plain regulations, or flood plain zoning ordinances proposed by local units of government shall be submitted to the department for review and approval prior to adoption by the local units of government. Changes or variations from an approved regulation or ordinance as it relates to flood plain use are subject to approval by the commission prior to adoption. Individual applications, plans, and specifications and individual approval orders shall not be required for works on the flood plains constructed in conformity

with encroachment limits, flood plain regulations, or zoning ordinances adopted by the local units of government and approved by the commission.

Sec. 31. NEW SECTION. FLOOD CONTROL WORKS COORDINATED. All flood control works in the state, which are established and constructed after the effective date of this Act, shall be coordinated in design, construction, and operation according to sound and accepted engineering practice so as to effect the best flood control obtainable throughout the state. A person shall not construct or install works of any nature for flood control until the proposed works and the plans and specifications for the works are approved by the commission. The commission shall consider all the pertinent facts relating to the proposed works which will affect flood control and water resources in the state and shall determine whether the proposed works in the plans and specifications will be in aid of and acceptable as part of, or will adversely affect and interfere with flood control in the state, adversely affect the control, development, protection, allocation, or utilization of the water resources of the state, or adversely affect or interfere with the state comprehensive plan for water resources or an approved local water resources plan. In the event of disapproval, the commission shall set forth the objectionable features so that the proposed works and the plans and specifications for the proposed works may be corrected or adjusted to obtain approval.

This section applies to drainage districts, soil conservation districts, the state conservation commission, political subdivisions of the state, and private persons undertaking projects relating to flood control.

Sec. 32. NEW SECTION. PERMIT APPLICATION PROCEDURES.

1. The commission shall adopt, modify, or repeal rules establishing procedures by which permits required under this part shall be issued, suspended, revoked, modified, or denied. The procedures shall include provisions for application, an application fee sufficient to pay the administrative costs of the permit process, public notice and opportunity for public hearing, and contested cases.

2. Action by the department upon an application for a permit required under this part may be appealed to the commission by the applicant or any affected person within thirty days of the department's action. A hearing before the commission or its designee is a contested case. The hearings and judicial review of decisions of the commission shall be carried out in accordance with chapter 17A. Notwithstanding chapter 17A, petitions for judicial review may be filed in the district court of Polk county or of any county in which the property affected is located. If the commission, the district court, or the supreme court determines that the action of the commission shall be stayed, the petitioner shall file an appropriate bond approved by the court.

Sec. 33. NEW SECTION. VIOLATION.

1. The commission may issue any order necessary to secure compliance with or

prevent a violation of this part or the rules adopted pursuant to this part. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission.

2. A person who violates a provision of this part or a rule or order adopted or promulgated or the conditions of a permit issued pursuant to this part is subject to a civil penalty not to exceed five hundred dollars for each day that a violation occurs.

Sec. 34. NEW SECTION. COORDINATION WITH CONSERVANCY DISTRICTS. The commission and the boards of the conservancy districts established by chapter 467D shall coordinate their efforts in carrying out the purposes of this chapter and chapter 467D. In addition to other powers and duties conferred by law, the department shall:

1. Offer advice and assistance as appropriate to the boards of the several conservancy districts in the state in discharging their powers and duties.

2. Review and make recommendations as necessary to bring the plan of each of the conservancy districts, and any subsequent changes in the plan, into conformity with the statewide water resources plan established by the commission pursuant to section 17 of this Act.

3. Inform the board of any conservancy district of any of the following:

a. The receipt of each application for a permit to divert, store, or withdraw either surface or underground waters at any place within the district, filed with the executive director pursuant to this part.

b. The receipt of each application for approval of a proposed dam, obstruction, deposit, or excavation in or on any floodway or flood plain in the district, filed with the executive director pursuant to section 29 of this Act.

c. Any proposed order which would establish encroachment limits and zoning regulations on any flood plain in the district, filed with the executive director pursuant to section 30 of this Act.

d. The receipt of each application for approval of a proposed flood control structure or works, filed with the executive director pursuant to section 31 of this Act.

Sec. 35. Section 68B.2, subsection 4, Code 1981, is amended to read as follows:

4. "Regulatory agency" means department of agriculture, industrial commissioner, bureau of labor, occupational safety and health review commission, department of job service, department of banking, insurance department of Iowa, state department of health, department of public safety, department of public instruction, state board of regents, department of social services, department of revenue, Iowa state commerce commission, Iowa beer and liquor control department, board of pharmacy examiners, state conservation commission, state department of transportation, Iowa state civil rights commission, department of soil conservation, department of public defense, and department of environmental quality and Iowa natural resources council water, air and waste management.

Sec. 36. Section 83A.3, subsection 5, Code 1981, is amended to read as follows:

5. One member representing the Iowa natural resources council department of water, air and waste management.

Sec. 37. Section 84.2, subsections 11, 12, 14, and 16, Code 1981, are amended to read as follows:

11. "Illegal oil" means oil which has been produced from any well within the state in excess of the quantity permitted by any rule or order of the council department.

12. "Illegal gas" means gas which has been produced from any well within this state in excess of the quantity permitted by any rule or order of the council department.

14. "Certificate of clearance" means a permit prescribed by the council department for the transportation or the delivery of oil or gas or product and issued or registered in accordance with the rule or order requiring such the permit.

16. "Council" "Department" means Iowa natural resources council as defined in chapter 455A the department of soil conservation.

Sec. 38. Section 84.2, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. "Committee" means the state soil conservation committee.

Sec. 39. Section 84.4, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 41, section 3, is amended to read as follows:

The council department has the duty of administering this chapter. The state geologist shall act as administrator with the duty of enforcing the regulations and orders of the council department applicable to the crude petroleum oil and natural gas and metallic mineral resources of this state and the provisions of this chapter. The council department has the duty to make investigations it deems proper to determine whether waste exists or is imminent or whether other facts exist which justify action. The council department acting through the office of the state geologist has the authority:

Sec. 40. Section 84.4, subsection 1, paragraphs d, e, and i, Code 1981, are amended to read as follows:

d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with the provisions of this chapter, and the rules of the council committee prescribed to govern the production of oil and gas on state and private lands within the state of Iowa;

e. That the production from wells be separated into gaseous and liquid hydrocarbons, and that each be accurately measured by such the means and upon such standards as may be prescribed by the council committee;

i. That every person who produces, sells, purchases, acquires, stores, transports, refines, or processes native and indigenous Iowa produced crude oil or gas in this state shall keep and maintain within this state complete and accurate records of the quantities thereof of oil or gas, which records shall be available for examination by the council or its agents department at all reasonable times, and that every such person file with the council such department the reports as it may prescribe with respect to such the oil or gas or the products thereof of the oil or gas.

Sec. 41. Section 84.5, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 41, section 4, is amended to read as follows:

84.5 DRILLING PERMIT REQUIRED. It is unlawful to commence operations for the drilling of a well for oil or gas or the production of metallic minerals or to commence operations to deepen any well to a different geological formation without first giving the state geologist notice of intention to drill, and without first obtaining a permit from the state geologist, under rules prescribed by the council committee and paying to the council department a fee of fifty dollars established by rule of the department for the well. The fee shall be used by the council for administering this chapter, including the payment of expenses incurred in publishing legal notice deposited in the general fund of the state.

Sec. 42. Section 84.6, Code 1981, is amended to read as follows:

84.6 COUNCIL DEPARTMENT SHALL DETERMINE MARKET DEMAND AND REGULATE THE AMOUNT OF PRODUCTION. The council department shall determine market demand for each marketing district and regulate the amount of production as follows:

1. The council department shall limit the production of oil and gas within each marketing district to that amount which can be produced without waste, and which does not exceed the reasonable market demand.

2. Whenever When the council department limits the total amount of oil or gas which may be produced in the state or a marketing district, the council department shall allocate or distribute the allowable production among the pools therein in the district on a reasonable basis, giving, where reasonable under the circumstances to each pool with small wells of settled production, an allowable production which prevents the general premature abandonment of such the wells in the pool.

3. Whenever When the council department limits the total amount of oil or gas which may be produced in any pool in this state to an amount less than that amount

which the pool could produce if no restriction were imposed, which limitation is imposed either incidental to, or without, a limitation of the total amount of oil or gas produced in the marketing district wherein the pool is located, the council department shall allocate or distribute the allowable production among the several wells or producing properties in the pool on a reasonable basis, preventing or minimizing reasonable avoidable drainage, so that each property will have the opportunity to produce or to receive its just and equitable share, subject to the reasonable necessities for the prevention of waste.

4. In allocating the market demand for gas as between pools within marketing districts, the council department shall give due regard to the fact that gas produced from oil pools is to be regulated in a manner as which will protect the reasonable use of its energy for oil production.

5. The council shall department is not be required to determine the reasonable market demand applicable to any single pool, except in relation to all other pools within the same marketing district, and in relation to the demand applicable to the marketing district. In allocating allowables to pools, the council department may consider, but shall is not be bound by nominations of purchasers to purchase from particular fields, pools, or portions thereof. The council department shall allocate the total allowable for the state in such a manner as which prevents undue discrimination between marketing districts, fields, pools, or portions thereof resulting from selective buying or nomination by purchasers.

Sec. 43. Section 84.7, unnumbered paragraph 1 and subsections 1 and 4, Code 1981, are amended to read as follows:

The council department shall set spacing units as follows:

1. When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect correlative rights, the council department shall establish spacing units for a pool. Spacing units when established shall be of uniform size and shape for the entire pool, except that when found to be necessary for any of the purposes above mentioned, the council is authorized to department may divide any pool into zones and establish spacing units for each zone, which units may differ in size and shape from those established in any other zone.

4. An order establishing units for a pool shall cover all lands determined or believed to be underlaid by such the pool, and may be modified by the state geologist from time to time to include additional areas determined to be underlaid by such the pool. When found necessary for the prevention of waste, or to avoid the drilling of unnecessary wells or to protect correlative rights, an order establishing spacing units in a pool may be modified by the state geologist to increase the size of spacing units in the pool or any zone thereof of the pool, or to permit the drilling of additional wells on a reasonable uniform plan in the pool; or any zone thereof of the pool. Orders of the state geologist may be appealed to the council department within thirty days.

Sec. 44. Section 84.8, Code 1981, is amended to read as follows:

84.8 INTEGRATION OF FRACTIONAL TRACTS.

1. When two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of the spacing unit, then the owners and royalty owners thereof of the tracts may pool their interests for the development and operation of the spacing unit. In the absence of voluntary pooling the council department upon the application of any interested person, shall enter an order pooling all interests in the spacing unit for the development and operations thereof of the unit. Each such pooling order shall be made after notice and hearing, and shall be upon terms and conditions that are just and reasonable, and that afford to the owner of each tract or interest in the spacing unit the opportunity to recover or receive, without unnecessary expense, his a just and equitable share. Operations incident to the drilling of a well upon any portion of a spacing unit covered by a pooling order shall be deemed for all purposes, to be the conduct of such the operations upon each separately owned tract in the drilling unit by the several owners thereof of the unit. That portion of the production allocated to each tract included in a spacing unit covered by a pooling order shall, when produced, be deemed for all purposes to have been produced from such the tract by a well drilled thereon on it.

2. Each such pooling order shall make provision for the drilling and operation of a well on the spacing unit, and for the payment of the reasonable actual cost thereof of the well by the owners of interests in the spacing unit, plus a reasonable charge for supervision. In the event of any dispute as to such costs the council department shall determine the proper costs. If one or more of the owners an owner shall drill and operate, or pay the expenses of drilling and operating the well for the benefit of others, then, the owner or owners so drilling or operating shall, upon complying with the terms of section 84.10, have a lien on the share of production from the spacing unit accruing to the interest of each of the other owners for the payment of his a proportionate share of such the expenses. All the oil and gas subject to the lien shall be marketed and sold and the proceeds applied in payment of the expenses secured by such the lien as provided for in section 84.10.

Sec. 45. Section 84.9, Code 1981, is amended to read as follows:

84.9 VOLUNTARY AGREEMENTS FOR UNIT OPERATION VALID. An agreement for the unit or co-operative development and operation of a field or pool, in connection with the conduct of a repressuring or pressure maintenance operations, cycling or recycling operations, including the extraction and separation of liquid hydrocarbons from natural gas in connection therewith, or any other method of operation, including water floods, is authorized and may be performed and shall not be held or construed to violate without being in violation of any of the statutes of this state

relating to trusts, monopolies, or contracts and combinations in restraint of trade, if the agreement is approved by the council department as being in the public interest, protective of correlative rights, and reasonably necessary to increase ultimate recovery or to prevent waste of oil or gas. Such The agreements bind only the persons who execute them, and their heirs, successors, assigns, and legal representatives.

Sec. 46. Section 84.11, Code 1981, is amended to read as follows:

84.11 RULES COVERING PRACTICE BEFORE COUNCIL DEPARTMENT.

1. The council committee shall prescribe rules governing the practice and procedure before it.

2. No An order, or amendment thereof of an order, except in an emergency, shall not be made by the council department without a public hearing upon at least ten days' notice. The public hearing shall be held at such the time and place as may, be prescribed by the council committee, and any interested person shall be is entitled to be heard.

3. When an emergency requiring immediate action is found to exist the council is authorized to department may issue an emergency order without notice of hearing, which shall be effective upon promulgation. No An emergency order shall not remain effective for more than fifteen days.

4. Any notice required by this chapter shall be given at the election of the council department either by personal service or by letter to the last recorded address and one publication in a newspaper of general circulation in the state capital city and in a newspaper of general circulation in the county where the land affected, or some part thereof, of the land is situated. The notice shall issue in the name of the state, shall be signed by the state geologist, shall specify the style and number of the proceeding, the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the council department elect to give notice by personal service, such the service may be made by any officer authorized to serve process, or by any agent of the council department, in the same manner as is provided by law for the service of original notices in civil actions in the district court of the state. Proof of the service by such agent shall be by the affidavit of the person making personal service.

5. All orders issued by the council department shall be in writing, shall be entered in full and indexed in books to be kept by the state geologist for that purpose, and shall be public records open for inspection at all times during reasonable office hours. A copy of any rule or order certified by the state geologist or any officer of the council department shall be received in evidence in all courts of this state with the same effect as the original.

6. The council department may act upon its own motion, or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the council department, the council department shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The council department shall enter its order within thirty days after the hearing.

Sec. 47. Section 84.12, Code 1981, is amended to read as follows:

84.12 SUMMONING WITNESSES, ADMINISTERING OATHS, REQUIRING PRODUCTION OF RECORDS—HEARING EXAMINERS APPOINTED.

1. The council shall have the power to department may summon witnesses, administer oaths, and require the production of records, books, and documents for examination at any hearing or investigation conducted. ~~No A person shall not be excused from attending and testifying, or from producing books, papers, and records before the council department or a court, or from obedience to the subpoena of the council department or a court, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him the person may tend to incriminate him the person or subject him the person to a penalty or forfeiture; provided, that nothing herein contained shall be construed as requiring any. However this subsection does not require a person to produce any books, papers, or records, or to testify in response to any inquiry not pertinent to some question lawfully before such council the department or court for determination. No A natural person shall be subjected is not subject to criminal prosecution or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, in spite of his objections, he the person may be required to testify or produce as evidence, documentary or otherwise, before the council department or court, or in obedience to subpoena; provided, that no. However, a person testifying shall not be exempted from prosecution and punishment for perjury committed in so testifying.~~

2. In case of failure or refusal on the part of any person to comply with the subpoena issued by the council department, or in case of the refusal of any witness to testify as to any matter regarding which ~~he the witness~~ may be interrogated, any court in the state, upon the application of the council department, may issue an attachment for ~~such the person~~ and compel ~~him the person~~ to comply with ~~such the~~ subpoena, and to attend before the council department and produce ~~such the~~ records, books, and documents, for examination, and to give his testimony. ~~Such The courts shall have the power to may punish for contempt as in the case of disobedience to a like subpoena issued by the court, or for refusal to testify therein.~~

3. The council department may appoint a hearing examiner or examiners to conduct hearings required by this chapter. When so appointed, ~~such the~~ hearing examiner

or examiners shall have and may exercise all of the powers delegated to the council department by this section.

Sec. 48. Section 84.14, subsection 1, Code 1981, is amended to read as follows:

1. Judicial review of an action of the council department may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act that chapter, petitions for judicial review may be filed in the district court of Polk county or in the district court of any county in which the property affected or some portion thereof of the property is located.

Sec. 49. Section 84.14, subsections 2 and 3, Code 1981, are amended by striking the subsections.

Sec. 50. Section 84.15, subsections 1 and 2, Code 1981, are amended to read as follows:

1. The sale, purchase, acquisition, transportation, refining, processing, or handling of illegal oil, illegal gas, or illegal product is hereby prohibited. However, ~~no~~ a penalty by way of fine shall not be imposed upon a person who sells, purchases, acquires, transports, refines, processes, or handles illegal oil, illegal gas, or illegal product unless:

a. ~~Such~~ The person knows, or is put on notice, of facts indicating that illegal oil, illegal gas, or illegal product is involved; ~~or~~.

b. ~~Such~~ The person fails to obtain a certificate of clearance with respect to ~~such~~ the oil, gas, or product where prescribed by order of the council department, or fails to follow any other method prescribed by an order of the council department for the identification of ~~such~~ the oil, gas or product.

2. Illegal oil, illegal gas, and illegal product are declared to be contraband and are subject to seizure and sale as herein provided; seizure and sale to be in addition to any and all other remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or illegal product. ~~Whenever~~ When the council department believes that any oil, gas or product is illegal, the council department acting by the attorney general, shall bring a civil action in rem in the district court of the county where ~~such~~ the oil, gas, or product is found, to seize and sell the same, or the council department may include ~~such~~ an action in rem for the seizure and sale of illegal oil, illegal gas, or illegal products in any suit brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person claiming an interest in oil, gas, or product affected by any ~~such~~ the action shall have the right to may intervene as an interested party in ~~such~~ the action.

Sec. 51. Section 84.16, Code 1981, is amended to read as follows:

84.16 PENALTIES.

1. Any person who violates any provision of this chapter, or any rule or order of the council department where no other penalty is provided shall be is guilty of a simple misdemeanor.

2. If any person, for the purpose of evading this chapter, or any rule or order of the council department, shall make makes or cause causes to be made any false entry or statement in a report required by this chapter or by any such rule or order, or shall make makes or cause causes to be made any false entry in any record, account, or memorandum required by this chapter, or by any such rule or order, or shall omit omits, or cause causes to be omitted, from any such record, account, or memorandum, full, true, and correct entries as required by this chapter, or by any such rule or order, or shall remove removes from this state or destroy, mutilate, alter destroys, mutilates, alters, or falsify falsifies any such record, account, or memorandum, such the person shall be is guilty of a fraudulent practice.

3. Any person knowingly aiding or abetting any other person in the violation of any provision of this chapter, or any rule or order of the council shall be department is subject to the same penalty as that prescribed by this chapter for the violation by such the other person.

Sec. 52. Section 84.17, Code 1981, is amended to read as follows:

84.17 ACTION TO RESTRAIN VIOLATION OR THREATENED VIOLATION.

1. ~~Whenever~~ If it appears that any person is violating or threatening to violate any provision of this chapter, or any rule or order of the council department, the council department shall bring suit against such the person in the district court of any county where the violation occurs or is threatened, to restrain such the person from continuing such the violation or from carrying out the threat of violation. In any such the suit, the court ~~shall have~~ has jurisdiction to grant to the council department, without bond or other undertaking, such the prohibitory and mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary injunctions, temporary, preliminary, or final orders restraining the movement or disposition of any illegal oil, illegal gas, or illegal product, any of which the court may order to be impounded or placed in the custody of an agent appointed by the court.

2. If the council shall fail department fails to bring suit to enjoin a violation or threatened violation of any provision of this chapter, or any rule or order of the council department, within ten days after receipt of written request to do so by any person

who is or will be adversely affected by such the violation, the person making such the request may bring suit in his the person's own behalf to restrain such the violation or threatened violation in any court in which the council department might have brought suit. The council department shall be made a party defendant in such the suit in addition to the person violating or threatening to violate a provision of this chapter, or a rule or order of the council department, and the action shall proceed and injunctive relief may be granted to the council department or the petitioner without bond in the same manner as if suit had been brought by the council department.

Sec. 53. Section 108.7, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Any action taken by the commission under the provisions of this section shall be is subject to the approval of the Iowa natural resources council department of water, air and waste management.

Sec. 54. Section 109.15, Code 1981, is amended to read as follows:

109.15 INJURY TO DAM. It shall be is unlawful for any owner or his the owner's agent to remove or destroy any existing dam, or alter it in a way so as to lower the water level, without having received written approval from the Iowa natural resources council department of water, air and waste management.

Sec. 55. Section 111.4, unnumbered paragraph 1, Code 1981, is amended to read as follows:

No A person, association or corporation shall not build or erect any pier, wharf, sluice, piling, wall, fence, obstruction, building or erection of any kind upon or over any state-owned land or water under the jurisdiction of the commission, without first obtaining from such the commission a written permit, provided, however, that, However, this provision shall does not apply to dams constructed and operated under the authority of chapter 469. No such A permit, in matters relating to or in any manner affecting flood control, shall not be issued without approval of the Iowa natural resources council department of water, air and waste management. No A person shall not maintain or erect any structure beyond the line of private ownership along or upon the shores of state-owned waters in such a manner as to obstruct the passage of pedestrians along the shore between the ordinary high-water mark and the water's edge, except by permission of the commission.

Sec. 56. Section 111.18, Code 1981, is amended to read as follows:

111.18 JURISDICTION. Jurisdiction over all meandered streams and lakes of this state and of state lands bordering thereon, not now used by some other state body for

state purposes, is conferred upon the commission. The exercise of this jurisdiction shall be is subject to the approval of the Iowa natural resources council department of water, air and waste management in matters relating to or in any manner affecting flood control. The commission, with the approval of the executive council, may establish parts of such the property into state parks, and when so established all of the provisions of this chapter relative to public parks shall apply thereto to the property.

Sec. 57. Section 111.62, Code 1981, is amended to read as follows:

111.62 COPY TO RESOURCES COUNCIL DEPARTMENT. A copy of the petition and such the applications, plans, and specifications as are required under the provisions of chapter 455A shall be filed with the Iowa natural resources council department of water, air and waste management and any approval or permit required thereunder under chapter 455A shall be obtained prior to the establishment of said the water recreational area or the granting of a permit therefor for the area by the state conservation commission.

Sec. 58. Section 111D.1, Code 1981, is amended to read as follows:

111D.1 ACQUISITION BY OTHER THAN CONDEMNATION. The state conservation commission, the Iowa natural resources council department of water, air and waste management, any county conservation board, and any city or agency thereof of a city may acquire by purchase, gift, contract, or other voluntary means, but not by eminent domain, conservation easements in land to preserve scenic beauty, wildlife habitat, riparian lands, wet lands, or forests, promote outdoor recreation, or otherwise conserve for the benefit of the public the natural beauty, natural resources, and public recreation facilities of the state.

Sec. 59. Section 112.3, Code 1981, is amended to read as follows:

112.3 HEARING—DAMAGES. After said the approval the commission, if it wishes to proceed further with the project, shall, with the consent of the Iowa natural resources council department of water, air and waste management, fix a date of hearing not less than two weeks from date of approval of the plan. Notice of the day, hour and place of hearing, relative to proposed work, shall be provided by publication at least once a week for two consecutive weeks in some newspaper of general circulation published in the county where the project is located, or in the county or counties where the water elevations are affected, under the tentative plan approved. The last of such publication or publications shall not be less than five days prior to the day set for hearing. Any claim by any persons whomsoever, for damages which may be caused by said the project shall be filed with the commission at or prior to the time of the hearing provided herein.

Sec. 60. WATER INFORMATION SYSTEM. By January 15, 1983, the state geologist shall prepare and submit to the general assembly a plan for a comprehensive water information system to be managed by the state geological survey for monitoring on a continuing basis the quantity and quality of water resources in this state. In preparing this plan, the state geologist may request the assistance of the Iowa department of transportation, department of environmental quality, Iowa natural resources council, department of health, state conservation commission, and department of agriculture.

Sec. 61. Section 308.1, Code 1981, is amended to read as follows:

308.1 PLANNING COMMISSION. The Mississippi parkway planning commission shall be composed of ten members appointed by the governor, five members to be appointed for two-year terms beginning July 1, 1959, and five members to be appointed for four-year terms beginning July 1, 1959. In addition to the above members there shall be seven advisory ex officio members who shall be as follows: One member from the state transportation commission, one member from the state conservation commission, one member from the Iowa state soil conservation commission, one member from the state historical society of Iowa, one member from the faculty of the landscape architectural division of the Iowa State University state university of science and technology, one member from the Iowa development commission, and one member from the natural resources council department of water, air and waste management. Members and ex officio members shall serve without pay, but the actual and necessary expenses of members and ex officio members may be paid if the commission so orders and if the commission has funds available for such that purpose.

Sec. 62. Section 357A.1, subsection 7, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

7. "Department" means the department of water, air and waste management.

Sec. 63. Section 357A.5, Code 1981, is amended to read as follows:

357A.5 WHO MAY BE HEARD. At the hearing on the petition, any owner or occupant of land within the boundaries of the area described in the petition may appear, in person or by his a designated representative, and any representative of the council department may also appear, in favor of or in opposition to the incorporation and organization of the proposed district. Such The appearances may also be filed in writing prior to the time set for the hearing.

Sec. 64. Section 357A.12, Code 1981, is amended to read as follows:

357A.12 PLANS AND SPECIFICATIONS. As soon as reasonably possible after incorporation of a district, the board shall file with the supervisors and the council department copies of the plans and specifications for, and estimates of the cost of, any improvements authorized by this chapter which the board proposes to construct or acquire. The board shall determine a reasonable fee which each member shall pay for the privilege of utilizing the district's facilities which shall be known as a benefit unit. Benefit units may be classified. The board, by publication in a newspaper of general circulation in the district, shall generally describe the planned improvements, the area to be served and the fee members will be required to pay for each service connected to the water system.

Sec. 65. Section 357A.19, Code 1981, is amended to read as follows:

357A.19 NOT EXEMPT FROM OTHER REQUIREMENTS. Nothing in this ~~This chapter shall be construed to~~ does not exempt any district from the requirements of any other statute, whether enacted prior to or subsequent to July 1, 1970, under which the district is required to obtain the permission or approval of, or to notify, the council department, the Iowa commerce commission, or any other agency of this state or of any of its political subdivisions prior to proceeding with construction, acquisition, operation, enlargement, extension, or alteration of any works or facilities which the district is authorized to undertake pursuant to this chapter.

Sec. 66. Section 358.9, unnumbered paragraph 3, Code 1981, is amended to read as follows:

In cases where the state of Iowa owns at least four hundred acres of land contiguous to lakes within said the district, then and only then the Iowa natural resources council the state conservation commission shall appoint two members of said the board of trustees in addition to the three members hereinbefore provided in this section. The additional two members shall be qualified as follows: They shall be United States citizens, not less than eighteen years of age, and shall be property owners within said the district. In such cases the ~~The~~ two additional appointive members shall have equal vote and authority with other members of trustees and shall hold office at the pleasure of the Iowa natural resources council state conservation commission.

Sec. 67. Section 358A.24, Code 1981, is amended to read as follows:

358A.24 CONFLICT WITH OTHER REGULATIONS. ~~Wherever~~ If the regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other

higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Wherever the provisions of If any other statute or local ordinance or regulation require requires a greater width or size of yards, courts or other open spaces, or require requires a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose imposes other higher standards than are required by the regulations made under authority of this chapter, the provisions of such other statute or local ordinance or regulation shall govern governs. Wherever any If a regulation proposed or made under authority of this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the Iowa natural resources council shall be department of water, air and waste management is required to establish, amend, supplement, change, or modify such the regulation or to grant any variation or exception therefrom from the regulation.

Sec. 68. Section 414.21, Code 1981, is amended to read as follows

414.21 CONFLICTING RULES, ORDINANCES, AND STATUTES. Wherever If the regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Wherever the provisions of If any other statute or local ordinance or regulation require requires a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this chapter, the provisions of such other statute or local ordinance or regulation shall govern governs. Wherever any If a regulation proposed or made under authority of this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the Iowa natural resources council shall be department of water, air and waste management is required to establish, amend, supplement, change or modify such the regulation or to grant any variation or exception therefrom from the regulation.

Sec. 69. Section 427.1, subsection 33, Code 1981, is amended to read as follows:

33. IMPOUNDMENT STRUCTURES. The impoundment structure and any land underlying an impoundment located outside any incorporated city, which are not developed or used directly or indirectly for nonagricultural income-producing purposes and which are maintained in a condition satisfactory to the soil conservation district commissioners of the county in which the impoundment structure and the impoundment are located. Any person owning land which qualifies for a property tax exemption under this subsection shall apply to the county assessor each year before the first of July for the exemption. The application shall be made on forms prescribed by

the department of revenue. The first application shall be accompanied by a copy of the water storage permit approved by the water commissioner of the Iowa natural resources council department of water, air and waste management and a copy of the plan for the construction of the impoundment structure and the impoundment. The construction plan shall be used to determine the total acre-feet of the impoundment and the amount of land which is eligible for the property tax exemption status. The county assessor shall annually review each application for the property tax exemption under this subsection and submit it, with the recommendation of the soil conservation district commissioners, to the board of supervisors for approval or denial. Any applicant for a property tax exemption under this subsection may appeal the decision of the board of supervisors to the district court. As used in this subsection, "impoundment" means any reservoir or pond which has a storage capacity of at least eighteen acre-feet of water or sediment at the time of construction; "storage capacity" means the total area below the crest elevation of the principal spillway including the volume of any excavation in such area; and "impoundment structure" means any dam, earthfill or other structure used to create an impoundment.

Sec. 70. Section 455.18, unnumbered paragraph 2, Code 1981, is amended to read as follows:

Where the proposed district contemplates as its object flood control or soil conservation the engineer shall include in his report data describing any soil conservation or flood control improvements, the nature thereof of the improvements, and such other additional data as shall be prescribed by the Iowa natural resources council department of water, air and waste management.

Sec. 71. Section 455C.1, subsections 7, 8, and 9, Code 1981, are amended to read as follows:

7. "Director" means the executive director of the department of environmental quality water, air and waste management.

8. "Department" means the department of environmental quality water, air and waste management.

9. "Commission" means the environmental quality water, air and waste management commission of the department of environmental quality water, air and waste management.

Sec. 72. Section 467A.3, subsection 15, Code 1981, is amended by striking the subsection.

Sec. 73. Section 467A.4, subsections 1 and 3, Code 1981, are amended to read as follows:

1. There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the department of soil conservation.

The department shall be administered in accordance with the policies of the state soil conservation committee, which shall approve administrative rules proposed by the department before the rules are ~~promulgated~~ adopted pursuant to chapter 17A. The state soil conservation committee shall consist of a chairperson and twelve members. The following shall serve as ex officio nonvoting members of the committee: The director of the state agricultural extension service, or the director's designee, the secretary of agriculture, or the secretary's designee, the director of the state conservation commission or the director's designee, and the executive director of the Iowa natural resources council department of water, air and waste management or the executive director's designee. Eight voting members shall be appointed by the governor subject to confirmation by the senate. Six of the appointive members shall be persons engaged in actual farming operations, one of whom shall be a resident of each of the six conservancy districts established by section 467D.3, and no more than one of whom shall be a resident of any one county. The seventh and eighth appointive members shall be chosen by the governor from the state at large with one appointed to be a representative of cities and one appointed to be a representative of the mining industry. The committee may invite the secretary of agriculture of the United States to appoint one person to serve with the above-mentioned members, and the president of the Iowa county engineers association may designate a member of the association to serve in the same manner, but these persons shall have no vote and shall serve in an advisory capacity only. The director of the department of environmental quality shall be an ex officio nonvoting member. The committee shall adopt a seal, which seal shall be judicially noticed, and may perform acts, hold public hearings, and ~~promulgate~~ adopt rules as provided in chapter 17A as necessary for the execution of its functions under this chapter.

3. The committee shall designate its chairperson, and may change ~~such~~ the designation. The members appointed by the governor shall serve for a period of six years. Members shall be appointed in each odd-numbered year to succeed members whose terms expire as provided by section 69.19. Appointments may be made at other times and for other periods as are necessary to fill vacancies on the committee. Members shall not be appointed to serve more than two complete six-year terms. Members designated to represent the secretary of agriculture, director of the state conservation commission, or the executive director of the Iowa natural resources council department of water, air and waste management shall serve at the pleasure of the officer making the designation. A majority of the voting members of the committee constitutes a quorum, and the concurrence of a majority of the voting members of the committee in any matter within their duties ~~shall be~~ is required for its determination. The chairperson and members of the committee, not otherwise in the employ of the state, or any political subdivision, shall receive forty dollars per diem as compensation for their services in the discharge of their duties as members of the committee. The committee shall determine the number of days for which any committee member may draw per diem compensation, but the total number of days for which per diem compensation is allowed for the entire committee shall not exceed four hundred days per year. They ~~shall~~ are also be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties as members of the committee. The per diem and expenses paid to the committee members shall be paid from funds appropriated to

the committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property, shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted, and shall provide for an annual audit of the accounts of receipts and disbursements.

Sec. 74. Section 467A.4, subsection 4, paragraph n, subparagraph (5), Code 1981, is amended by striking the subparagraph.

Sec. 75. Section 467C.5, Code 1981, is amended to read as follows:

467C.5 APPROVAL OF COMMISSIONERS. No A district shall not be established by any board of supervisors under this chapter unless the organization of such the district is approved by the commissioners of any soil conservation district established under the provisions of chapter 467A and which is included all or in part within such the district, nor shall any such district be established without the approval of the state conservation commission and the Iowa natural resources council department of water, air and waste management.

Sec. 76. Section 467D.2, subsection 3, Code 1981, is amended by striking the subsection.

Sec. 77. Section 467D.6, subsections 1 and 11, Code 1981, are amended to read as follows:

1. Exercise such supervision over the water resources of the conservancy district, including water in any basin, watercourse, or other body of water in the conservancy district, and have authority to promulgate adopt and repeal, with approval of the department, and enforce such rules, except those rules relating to water resources under the authority of the council and the department of environmental quality, as necessary to achieve the objectives of this chapter as set forth in section 467D.1.

11. Maintain at its office a record of all the conservancy district's proceedings, rules and orders, and furnish copies thereof of them to the department and the council department of water, air and waste management upon request.

Sec. 78. Section 467D.16, unnumbered paragraph 1, Code 1981, is amended to read as follows:

The board shall prepare a plan for accomplishment of the objectives of this chapter within the conservancy district. For this purpose the board may request and shall obtain from any state agency or political subdivision information which the agency or subdivision may have already collected which is pertinent to preparation of the plan, and may conduct such hearings as it deems necessary. The plan shall establish an order of priorities for carrying out projects necessary to accomplish the objectives of this chapter, shall conform as nearly as practicable to the comprehensive state-wide

water resources plan established by the council department of water, air and waste management pursuant to section 455A.17 17 of this Act and shall reflect the following general policies:

Sec. 79. Section 467D.17, Code 1981, is amended to read as follows:

467D.17 PLAN PRESENTED TO DEPARTMENT AND COUNCIL. The board shall tentatively adopt the plan by resolution and shall present the plan to the department and the council department of water, air and waste management for review. The council department of water, air and waste management shall within ninety days review the plan as presented and make such recommendations as which, in its discretion, it deems necessary to bring the conservancy district's plan into conformity with the comprehensive state-wide water resources plan established by the council department of water, air and waste management pursuant to section 455A.17 17 of this Act. The department shall review the plan as presented and, with such amendments as are necessary to bring the plan into conformity with the state-wide water resources plan, give final approval within one hundred twenty days.

Sec. 80. Section 467D.19, Code 1981, is amended to read as follows:

467D.19 IMPLEMENTATION. After final approval of the plan, the board shall begin to implement the plan as expeditiously as possible, within the limitations of available appropriations and other financial resources. When implementation of the plan involves construction or improvement of any internal improvement by the conservancy district, the board may order the preparation of detailed plans and specifications, and a refined cost estimate. Upon completion of such the plans, specifications and cost estimate to their its satisfaction, the board shall adopt the same them, subject to the approval of the department, and shall let the contract or contracts therefor in accordance with section 467D.20. Any approval or permits from the council department of water, air and waste management required under other provisions of law shall be obtained by the conservancy district prior to initiation of any construction activity.

Sec. 81. Section 469.1, Code 1981, is amended to read as follows:

469.1 PROHIBITION — PERMIT. No A dam shall not be constructed, maintained, or operated in this state in any navigable or meandered stream for any purpose, or in any other stream for manufacturing or power purposes, nor shall any water be taken from such the streams for industrial purposes, unless a permit has been granted by the Iowa natural resources council department of water, air and waste management to the person, firm, corporation, or municipality constructing, maintaining, or operating the same dam.

Sec. 82. Section 469.2, unnumbered paragraph 1 and subsection 6, Code 1981, are amended to read as follows:

Any person, firm, corporation, or municipality making application for a permit to

construct, maintain, or operate a dam in any of the waters, including canals, raceways, and other constructions necessary or useful in connection with the development and utilization of the water or water power, shall file with the Iowa natural resources council department of water, air and waste management a written application, which shall contain the following information:

6. Such Any additional information as may be required by the Iowa natural resources council department of water, air and waste management.

Sec. 83. Section 469.3, Code 1981, is amended to read as follows:

469.3 NOTICE OF HEARING. When any an application for a permit to construct, maintain, or operate a dam ~~from and~~ after the passage of this chapter is received, the Iowa natural resources council department of water, air and waste management shall fix a time for hearing, and it shall give notice of the time and place of ~~such~~ the hearing by publication once each week for two successive weeks in at least one newspaper in each county in which riparian lands will be affected by the dam.

Sec. 84. Section 469.4, Code 1981, is amended to read as follows:

469.4 HEARING. At the time fixed for ~~such~~ the hearing or at any adjournment thereof of the hearing, the council department of water, air and waste management shall take evidence offered by the applicant and any other person, either in support of or in opposition to the proposed construction.

Sec. 85. Section 469.5, Code 1981, is amended to read as follows:

469.5 WHEN PERMIT GRANTED. If it ~~shall appear~~ appears to the council department of water, air and waste management that the construction, operation, or maintenance of the dam will not materially obstruct existing navigation, ~~or~~ materially affect other public rights, ~~will not~~ or endanger life or public health, and any water taken from the stream in connection with the project, excepting water taken by a municipality for distribution in its water mains, is returned ~~thereto~~ to the stream at the nearest practicable place without being materially diminished in quantity ~~or~~, polluted or rendered deleterious to fish life, it shall grant the permit, upon ~~such~~ the terms and conditions as it may prescribe.

Sec. 86. Section 469.9, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Every person, firm, or corporation, ~~excepting except~~ a municipality, to whom a permit is granted to construct or to maintain and operate a dam already constructed in or across any stream for the purpose herein specified in this chapter, shall pay to the Iowa natural resources council department of water, air and waste management a permit fee of one hundred dollars and shall pay an annual inspection and license fee, to be

fixed by the Iowa natural resources council water, air and waste management commission, on or before the first day of January, 1925, and annually thereafter, but in no case shall the annual inspection and license fee be less than twenty-five dollars. All fees shall be paid into the general fund of the state treasury.

Sec. 87. Section 469.10, Code 1981, is amended to read as follows:

469.10 CONSTRUCTION AND OPERATION. The Iowa natural resources council department of water, air and waste management shall investigate methods of construction, reconstruction, operation, maintenance, and equipment of dams, ~~so as to~~ determine the best methods to conserve and protect as far as possible all public and riparian rights in the waters of the state and ~~so as to~~ protect the life, health, and property of the general public; and the method of construction, operation, maintenance, and equipment of ~~any and all~~ dams of any character or for any purpose in ~~such the~~ waters shall be is subject to the approval of the Iowa natural resources council department of water, air and waste management.

Sec. 88. Section 469.11, Code 1981, is amended to read as follows:

469.11 ACCESS TO WORKS. ~~Such council or any member, agent, or employee thereof~~ The department of water, air and waste management shall at all times be accorded full access to all parts of any dam and its appurtenances being constructed, operated, or maintained in such waters.

Sec. 89. Section 469.12, Code 1981, is amended to read as follows:

469.12 DUTY TO ENFORCE STATUTES. ~~It shall be the duty of the council to~~ The department of water, air and waste management shall require that all existing statutes of the state, including the provisions of this chapter, with reference to the construction of dams, ~~shall be~~ are enforced.

Sec. 90. Section 469.26, Code 1981, is amended to read as follows:

469.26 REVOCATION OR FORFEITURE OF PERMIT. If the person to whom a permit is issued under the provisions of this chapter does not begin the construction or the improvement of the dam or raceway within one year from the date of the granting of the permit, ~~his the~~ permit may be revoked by the Iowa natural resources council department of water, air and waste management, and if any permit holder does not finish and have in operation the plant for which the dam is constructed within three years after the granting of the permit, unless for good cause shown the council department has extended the time for completion, ~~such the~~ permit shall be forfeited.

Sec. 91. Section 469.29, Code 1981, is amended to read as follows:

469.29 PERMITS FOR EXISTING DAMS. All licenses and permits issued by the state executive council prior to April 17, 1949, or by the Iowa natural resources council prior to July 1, 1983, and in force immediately prior to July 1, 1983, are hereby declared to be in full force and effect and all of the powers of administration relating to licenses or permits heretofore issued are hereby vested in the Iowa natural resources council department of water, air and waste management.

Sec. 92. Sections 93.2, 93.7, 93A.4, 101.10, 107.1, 136B.2, 170.10, 170A.8, 170B.9, 172D.1, 307.10, and 427.1, Code 1981, are amended by striking the words "department of environmental quality" and inserting in lieu thereof the words "department of water, air and waste management".

Sec. 93. Sections 307.10 and 427.1, Code 1981, are amended by striking the words "environmental quality commission" and inserting in lieu thereof the words "water, air and waste management commission".

Sec. 94. PRIOR ACTIONS.

1. A rule adopted, permit or order issued, or approval given under chapter 108, 109, 111, 112, 357A, 358A, 414, 427, 455A, 467A, 467C, or 467D, before the effective date of this Act and in force just prior to the effective date of this Act, by the Iowa natural resources council or its director remains effective until modified or rescinded by action of the department of environmental quality or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

2. A rule adopted, permit or order issued, or approval given by the state department of health or the commissioner of public health relating to private water supply systems, private sewage disposal systems, or water wells under chapter 135, before the effective date of this Act and in force just prior to the effective date of this Act remains effective until modified or rescinded by action of the department of environmental quality or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

3. A rule adopted, permit or order issued, or approval given under chapter 84 before the effective date of this Act and in force just prior to the effective date of this Act, by the Iowa natural resources council or its director remains effective until modified or rescinded by action of the department of soil conservation unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

4. A rule adopted, permit or order issued, or approval given by the environmental quality commission or the executive director of the department of environmental

quality under chapter 455B before the effective date of this Act and in force just prior to the effective date of this Act remains effective until modified or rescinded by action of the water, air and waste management commission or its executive director unless the rule, order, permit, or approval is inconsistent with or contrary to this Act.

Sec. 95. EMPLOYEE TRANSFER OR TERMINATION. The employees of the Iowa natural resources council employed pursuant to chapter 455A and the employees of the department of environmental quality employed pursuant to chapter 455B are transferred to the department of water, air and waste management. After transfer of the employees under this section, any employee of the department of water, air and waste management whose duty assignment is terminated because of this Act may be reassigned to other duties or terminated. The Iowa merit employment commission shall adopt rules to carry out the transfer of employees under this section and to carry out subsequent reclassifications, reassignments, or terminations made necessary by this Act. The Iowa merit employment commission shall arbitrate and decide a written appeal made by an employee concerning a transfer, reassignment, reclassification, or termination made necessary by this Act. An employee shall not lose benefits accrued, including but not limited to salary, retirement, vacation, or sick leave because of transfer or reassignment.

Sec. 96. EFFECTIVE DATE—TRANSITION.

1. The effective date of this Act is July 1, 1983, except that sections 5, 60 and 98, and this section are effective on July 1, 1982.

2. After July 1, 1982, the governor may appoint the members of the water, air and waste management commission, appoint the executive director of the department of water, air and waste management, and may authorize the water, air and waste management commission to organize and plan for the transfer of powers, duties, records, equipment, personnel, and other property as applicable. The governor may select the executive director of the department of environmental quality or the director of the Iowa natural resources council to serve as executive director of the department of water, air and waste management without reappointment or confirmation.

3. Notwithstanding section 455B.4, the initial water, air and waste management commission shall have thirteen members. The membership shall include nine members of the environmental quality commission and four members of the Iowa natural resources council. Two members of the Iowa natural resources council shall be appointed by the governor to terms of office which expire on April 30, 1985, and two members shall be appointed by the governor to terms of office which expire on April 30, 1987. Effective May 1, 1985, the commission created under this Act shall have eleven members and effective May 1, 1987, the commission created under this Act shall have nine members. Except for the number of members, section 455B.4 shall apply to the operation of the commission created under this Act.

4. The members of the environmental quality commission shall serve concurrently as members of the commission created under this Act and the environmental quality commission until July 1, 1983, when the members shall continue to serve their unexpired terms as members of the environmental quality commission as members of the commission created under this Act. The members may be reappointed as provided in this Act.

5. The members of the Iowa natural resources council appointed to the commission created under this Act shall serve concurrently as members of the commission and the Iowa natural resources council until July 1, 1983, when the terms of office of the members of the Iowa natural resources council shall expire. The four members appointed to the commission shall continue to serve the terms to which appointed as provided in subsection 3. The members may be reappointed as provided in this Act.

6. If an executive director of the department of water, air and waste management is selected or appointed before July 1, 1983, the executive director shall cooperate with the Iowa natural resources council and the department of environmental quality in preparing for an orderly transfer of powers and duties, including representing the new department in budgetary and appropriation matters. The executive director and the members of the water, air and waste management commission, appointed and authorized to exercise powers and duties before July 1, 1983, as provided in this section may be paid a salary or per diem as applicable and necessary expenses from funds appropriated to the department of environmental quality.

7. Notwithstanding section 455B.53, a director of the board of a rural water district established under chapter 357A or 504A shall not become a member of certification of waterworks and waste waterworks operators until the term of office of the first of the two members appointed to represent the general public expires.

Sec. 97. Chapter 455A and sections 84.13 and 135.20, Code 1981, are repealed.

Sec. 98. The legislative council shall create a bipartisan interim legislative oversight committee consisting of five members of the senate and five members of the house to study and make recommendations to the legislative council and the general assembly on matters related to statewide water resources planning, the development of a water resource data base, water use, flood plain management, and the organization and administration of water resource and flood plain management laws and programs in this state. The committee shall be authorized at least five meeting days and shall submit a report of its recommendations, including any necessary bill drafts to implement its recommendations, to the general assembly not later than January 15, 1983."

3. Amend the title, by striking lines 1 through 11 and inserting in lieu thereof the following: "An Act to consolidate the management and regulation of water and air resources and waste by creating a department of water, air and waste management and a water, air and waste management commission; transferring to the department of water, air and waste management and the department of soil conservation the powers and duties of the Iowa natural resources council and the department of environmental quality and the powers and duties of the state department of health relating to private water systems and water wells and private sewage disposal systems; making corresponding amendments to the Code; and providing civil penalties for violations, and an effective date."

ON THE PART OF THE HOUSE:

VICTOR STUELAND, Chair
JAMES O. ANDERSON
LISLE COOK

ON THE PART OF THE SENATE:

FORREST V. SCHWENGELS, Chair
JAMES GALLAGHER
NORMAN J. GOODWIN
NORMAN RODGERS
DALE L. TIEDEN

A non-record roll call was requested.

The ayes were 52, nays 46.

The motion prevailed and the report was adopted.

Stueland of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 80 was invoked.

On the question "Shall the bill pass?" (H.F. 2463)

The ayes were, 54:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Clements	Conlon
Cook	Copenhaver	Corey	Crabb
Daggett	De Groot	Diemer	Egenes
Gross	Halvorson, R. A.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Hummel
Johnson, J.	Johnson, R.	Johnson, W.	Krewson
Lageschulte	Lind	Mann	Maulsby
Mullins	Pellett	Pelton	Petrick
Poffenberger	Pope	Renken	Ritsema
Schneklath	Schroeder	Shull	Smalley
Smith	Spear	Stromer	Stueland
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Mr. Speaker (Menke)		

The nays were, 44:

Anderson, R.	Arnould	Avenson	Baxter
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Danker	Davitt	Dieleman	Doderer
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Jay	Jochum
Knapp	Lloyd-Jones	Lonergan	McKean
Norland	O'Kane	Oxley	Pavich
Poncy	Rapp	Renaud	Rosenberg
Running	Sturgeon	Sullivan	Swartz
Walter	Welden	Welsh	Woods

Absent or not voting, 2:

Binneboese

Howell

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

PRESENTATION OF GIFTS

Stromer of Hancock, Pope of Polk and Avenson of Fayette were invited to the Speaker's station by Johnson of Howard for a special presentation.

Johnson of Howard, on behalf of the House, presented plaques to each leader in appreciation of their service and dedication to the House of Representatives during the Sixty-ninth General Assembly.

Representatives Stromer, Pope and Avenson responded with a few remarks.

The House rose and expressed it appreciation.

Speaker Stromer in the chair at 7:05 p.m.

IMMEDIATE MESSAGE (House File 2463)

Pope of Polk asked and received unanimous consent to immediately message House File 2463 to the Senate.

Objection was raised.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has, on April 24, 1982, adopted the conference committee report and passed Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department.

Also: That the Senate has on April 24, 1982, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2304, a bill for an act making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

Also: That the Senate has, on April 24, 1982, adopted the conference committee report and passed House File 2460, a bill for an act to amend the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel.

K. MARIE THAYER, Secretary

**ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2245)**

Gross of Ringgold called up for consideration the report of the conference committee on Senate File 2245 filed on April 24, 1982 and moved the adoption of the conference committee report and the amendments contained therein:

**REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2245**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2245, a bill for an act extending the operation of the department of substance abuse, striking the exemption of a program receiving state dollars from inspections by the department, and providing for four types of licenses, respectfully make the following report:

1. That the Senate recede from its amendment S—5639 to the House amendment S—5503 to Senate File 2245, as passed by the Senate.

2. That the House recede from its amendment S—5503 to Senate File 2245, as passed by the Senate.

3. That Senate File 2245, as passed by the Senate, be amended as follows:

1. Page 1, by inserting after line 9 the following:

“Sec. 2. Section 125.13, subsection 2, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 58, sections 4 through 7, is amended by adding the following new lettered paragraphs:

NEW LETTERED PARAGRAPH. Intervention and referral programs which are financed and managed by a county or counties, are staffed by county employees, and do not receive state payments pursuant to a contract under section 125.44.

NEW LETTERED PARAGRAPH. Voluntary, nonprofit groups whose funding is provided solely from nontax sources.”

2. Page 1, lines 17 and 18, by striking the words “continuing the administration” and inserting in lieu thereof the words “improving supervision”.

3. Page 1, line 25, by striking the words “maximize the” and inserting in lieu thereof the words “make maximum”.

4. Page 1, line 25, by striking the word “minimize” and inserting in lieu thereof the words “to eliminate”.

5. Title page, line 2, by inserting after the word "program" the word "not".

6. Title page, line 3, by inserting after the word "department," the words "exempting certain county-financed programs which do not receive state funds from licensing,".

7. Renumbering as necessary.

ON THE PART OF THE HOUSE:

JOE GROSS, Chair
JOYCE LONERGAN
HORACE DAGGETT
KENNETH DE GROOT
JANET CARL

ON THE PART OF THE SENATE:

JULIE GENTLEMAN, Chair
SUE YENGER
RICHARD VANDE HOEF
CHARLES MILLER
ALVIN MILLER

The motion prevailed and the report was adopted.

Gross of Ringgold moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2245)

The ayes were, 93:

Anderson, J.	Anderson, R.	Arnould	Baxter
Bennett	Brandt	Branstad	Bruner
Byerly	Carl	Carpenter	Chiodo
Clark, B. J.	Clark, J. H.	Clements	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Crabb	Daggett	Danker
Davitt	De Groot	Dieleman	Diemer
Doderer	Egenes	Fey	Gettings
Gross	Groth	Hall	Halvorson, R. A.
Halvorson, R. N.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Horn	Hummel
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Lageschulte	Lind
Lloyd-Jones	Lonergan	Mann	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Ritsema
Rosenberg	Running	Schneklloth	Schroeder
Shull	Smalley	Smith	Spear
Stueland	Sturgeon	Sullivan	Swartz
Swearingen	Tofte	Trucano	Tyrrell
Van Maanen	Walter	Welsh	Woods
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Avenson
Krewson

Binneboese
Renken

Corey
Welden

Howell

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE AMENDMENT CONSIDERED

House Concurs

Welden of Hardin called up for consideration **Senate File 2304**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment to the House amendment:

H-6067

1 Amend the House amendment, S-5788, to Senate File
2 2304, as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, by striking lines 20 and 21.

5 2. Page 1, by striking lines 35 through 42.

6 3. Page 2, line 24, by striking the word and
7 figures "June 30, 1983" and inserting in lieu thereof
8 the word and figures "March 31, 1983".

9 4. Page 3, by striking lines 6 and 7.

10 5. Page 3, lines 9 and 10, by striking the word
11 and figures "June 30, 1983" and inserting in lieu
12 thereof the word and figures "March 31, 1983".

13 6. Page 3, lines 16 and 17, by striking the words
14 "only be available to individuals included in the
15 eligible group" and inserting in lieu thereof the
16 words "be available to the spouse of an unemployed
17 parent".

18 7. Page 3, by striking lines 38 through 46.

19 8. Page 3, by striking line 49 and inserting in
20 lieu thereof the words and figure "in lieu thereof
21 the figure "113,909,000

22 Medical assistance shall be made available,
23 beginning July 1, 1982 and ending March 31, 1983,
24 to children under twenty-one years of age who meet
25 all eligible criteria of the aid to families with
26 dependent children program except that the children

27 are not deprived of parental support." "

28 9. By striking page 4, lines 23 through 37.

29 10. Page 4, by striking lines 38 and 39.

30 11. Page 5, by striking lines 5 and 6.

31 12. Page 5, by inserting after line 8 the

32 following:

33 "The department of social services shall conduct
34 a public hearing in each district of the department
35 of social services and report to the legislative
36 council before making any adjustments required by
37 this section."

38 13. Page 6, by striking lines 36 through 40 and
39 inserting in lieu thereof the following:

40 "Dependent adult abuse does not include:

41 a. Depriving a dependent adult of medical treatment
42 if the dependent adult is an adherent of a religion
43 whose tenets and practices call for reliance on
44 spiritual means through prayer alone in place of
45 reliance on medical treatment.

46 b. The withholding and withdrawing of health care
47 from a dependent adult when the withholding and
48 withdrawing of health care is done at the request
49 of the dependent adult or at the request of the
50 dependent adult's next-of-kin or guardian when the

Page 2

1 dependent adult is unable to express his or her wishes
2 and is terminally ill in the opinion of a licensed
3 physician."

4 14. Renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-6067.

Welden of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2304)

The ayes were, 95:

Anderson, J.
Baxter
Bruner
Chiodo
Conlon
Copenhaver

Anderson, R.
Bennett
Byerly
Clark, B. J.
Connolly
Corey

Arnould
Brandt
Carl
Clark, J. H.
Connors
Crabb

Avenson
Branstad
Carpenter
Cochran
Cook
Daggett

Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, R.	Johnson, W.	Knapp	Krewson
Lageschulte	Lind	Loneragan	Maulsby
McKean	Menke	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Walter	Welden
Welsh	Woods	Mr. Speaker	

The nays were, 2:

Clements Mann

Absent or not voting, 3:

Binneboese Howell Lloyd-Jones

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE (Senate Files 2245 and 2304)

Pope of Polk asked and received unanimous consent to immediately message Senate Files 2245 and 2304 to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1982, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 6, supporting the claims of ownership of Iowa lands brought by the Monona County Land Association in litigation.

K. MARIE THAYER, Secretary

HOUSE REFUSES TO CONCUR

Johnson of Woodbury called up for consideration **House Concurrent Resolution 6**, a concurrent resolution supporting the claims of ownership of Iowa lands brought by the Monona County Land Association in litigation, amended by the Senate, and moved that the House concur in the following Senate amendment:

H-6066

- 1 Amend House Concurrent Resolution 6 as passed by
- 2 the House as follows:
- 3 1. Page 1, by striking lines 1 through 18, and
- 4 inserting in lieu thereof the following:
- 5 "Whereas, in the first portion of Wilson et al. v.
- 6 Omaha Indian Tribe federal law imposed a discriminatory
- 7 burden of proof upon Iowa claimants; and
- 8 Whereas, in the portion of this case remaining
- 9 to be tried, the Omaha Indian Tribe claims land which
- 10 was never within the area of their reservation and
- 11 the Iowa claimants have titles which trace back to
- 12 state and federal patents; and
- 13 Whereas, the Iowa claimants and their predecessors
- 14 in title have paid property taxes on the land which
- 15 is the subject of this litigation for many years,
- 16 sometimes in excess of one hundred years; and
- 17 Whereas, the state of Iowa is one of the Iowa
- 18 claimants in this litigation; *Now Therefore,*
- 19 *Be It Resolved by the House of Representatives,*
- 20 *the Senate Concurring,* That the general assembly
- 21 expresses its appreciation of the efforts of the
- 22 individual Iowa claimants and of the state of
- 23 Iowa in their endeavor to maintain their claims
- 24 of ownership to the land that is the subject of
- 25 this litigation."

Roll call was requested by Tofte of Winneshiek and Johnson of Woodbury.

Rule 80 was invoked.

On the question "Shall the House concur in the Senate amendment H-6066?"

The ayes were, 44:

Anderson, J.
Byerly

Bennett
Conlon

Brandt
Cook

Branstad
Corey

Crabb	Daggett	Danker	De Groot
Diemer	Egenes	Gross	Halvorson, R. A.
Hansen, I.	Harbor	Hoffmann-Bright	Holt
Hummel	Johnson, R.	Johnson, W.	Lageschulte
Lind	Maulsby	Menke	Pavich
Pellett	Petrick	Pope	Renken
Schnekloth	Schroeder	Shull	Smith
Stueland	Swearingen	Tofte	Tyrrell
Van Maanen	Walter	Welden	Mr. Speaker

The nays were, 49:

Arnould	Avenson	Baxter	Bruner
Carl	Carpenter	Chiodo	Clark, B. J.
Clark, J. H.	Clements	Cochran	Connolly
Connors	Copenhaver	Davitt	Dieleman
Fey	Gettings	Groth	Hall
Halvorson, R. N.	Hanson, D.	Horn	Jay
Jochum	Johnson, J.	Knapp	Krewson
Loneragan	Mann	McKean	Norland
O'Kane	Oxley	Pelton	Poncy
Rapp	Renaud	Ritsema	Rosenberg
Running	Smalley	Spear	Sturgeon
Sullivan	Swartz	Trucano	Welsh
Woods			

Absent or not voting, 7:

Anderson, R.	Binneboese	Doderer	Howell
Lloyd-Jones	Mullins	Poffenberger	

The House refused to concur in the Senate amendment H — 6066.

SPECIAL PRESENTATION

Byerly of Polk presented to the House, George Mills, Legislative Reporter for WHO-TV.

Mr. Mills began his coverage of the legislature in 1931 and has reported on the legislature continuously from 1934 until 1971 for the Register and Tribune, Iowa Daily Press Association and Associated Press. In 1971, he retired briefly only to be called upon by WHO-TV to cover the legislature again with daily reports.

He was escorted to the Speaker's station where he addressed the House. He recalled many of his experiences and thanked the House for its recognition.

The House rose and expressed its appreciation.

The House stood at ease at 7:57 p.m., until the fall of the gavel.

The House resumed session at 8:53 p.m., Speaker Stromer in the chair.

The House stood at ease at 8:55 p.m., until the fall of the gavel.

The House resumed session at 9:40 p.m., Speaker Stromer in the chair.

HOUSE RULE 61

Welden of Hardin asked for unanimous consent to suspend House Rule 61 for a committee on appropriations meeting.

Objection was raised.

Welden of Hardin moved to suspend House Rule 61 for a committee on appropriations meeting.

Welden of Hardin asked and received unanimous consent to withdraw his motion for a committee on appropriations meeting.

The House stood at ease at 9:46 p.m., until the fall of the gavel.

The House resumed session at 9:57 p.m., Speaker Stromer in the chair.

QUORUM CALL

A record roll call was requested by Connors of Polk to determine that a quorum was present. The vote revealed:

Present, 89:

Anderson, J.
Bennett
Carl
Clark, J. H.
Connors

Anderson, R.
Brandt
Carpenter
Cochran
Cook

Arnould
Bruner
Chiodo
Conlon
Copenhaver

Baxter
Byerly
Clark, B. J.
Connolly
Corey

Crabb	Daggett	Danker	Davitt
De Groot	Dieleman	Diemer	Doderer
Egenes	Gettings	Gross	Groth
Hall	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Hummel	Jay	Jochum	Johnson, J.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Lonergan	Mann
Maulsby	McKean	Menke	Mullins
Norland	O'Kane	Oxley	Pavich
Pellet	Pelton	Petrick	Poffenberger
Poncy	Pope	Rapp	Renaud
Renken	Ritsema	Rosenberg	Running
Schnekloth	Schroeder	Shull	Smalley
Smith	Spear	Stueland	Sullivan
Swartz	Swearingen	Trucano	Van Maanen
Walter	Welden	Welsh	Woods
Mr. Speaker			

Absent, 11:

Avenson	Binneboese	Branstad	Clements
Fey	Halvorson, R. A.	Howell	Johnson, R.
Sturgeon	Tofte	Tyrrell	

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1982, adopted the conference committee report and passed Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems.

Also: That the Senate has, on April 24, 1982, adopted the conference committee report and passed Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations.

Also: That the Senate has, on April 24, 1982, adopted the conference committee report and passed House File 2369, a bill for an act to revise the crime of operating a motor vehicle while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense and making it effective upon publication.

Also: That the Senate has on April 24, 1982, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2497, a bill for an act relating to political candidacy by specifying the number of signatures necessary for nominations by petition for certain elective offices.

K. MARIE THAYER, Secretary

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2218)

Bennett of Ida called up for consideration the report of the conference committee on Senate File 2218 filed on April 24, 1982 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2218

To the President of the Senate and the Speaker of the House of Representatives.

We, the undersigned members of the conference committee appointed to consider the differences between the House of Representatives and the Senate on Senate File 2218, a bill for an act relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural use ordinances and agricultural areas, and providing for the restriction of certain proceedings and assessments respectfully make the following report:

1. That the House recede from its amendment S-5636 to Senate File 2218 as amended, passed and reprinted by the Senate.

2. That Senate File 2218 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. Chapter 93A, Code 1981, is amended by striking the chapter and inserting in lieu thereof sections 2 through 14 of this Act.

Sec. 2. NEW SECTION. PURPOSE. It is the intent of the general assembly and the policy of this state to provide for the orderly use and development of land and related natural resources in Iowa for residential, commercial, industrial, and recreational purposes, preserve private property rights, protect natural and historic resources and fragile ecosystems of this state including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas to promote the efficient use and conservation of energy resources, to promote the creation and maintenance of wildlife habitat, to consider the protection of soil from wind and water erosion and preserve the availability and use of agricultural land for agricultural production, through processes that emphasize the participation of citizens and local governments.

The general assembly recognizes the importance of preserving the state's finite supply of agricultural land. Conversion of farmland to urban development, and other nonfarm uses, reduces future food production capabilities and may ultimately undermine agriculture as a major economic activity in Iowa.

It is the intent of the general assembly to provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures. This may be accomplished by the creation of county land preservation and use plans and policies, adoption of an agricultural land preservation ordinance, or establishment of agricultural areas in which substantial agricultural activities are encouraged, so that land inside these areas or subject to those ordinances is conserved for the production of food, fiber, and livestock, thus assuring the preservation of agriculture as a major factor in the economy of this state.

Sec. 3. NEW SECTION. DEFINITIONS. As used in this chapter unless the context otherwise requires:

1. "Agricultural area" means an area meeting the qualifications of section 7 of this Act and designated under section 8 of this Act.

2. "County board" means the county board of supervisors.

3. "County commission" means the county land preservation and use commission.

4. "Farm" means the land, buildings, and machinery used in the commercial production of farm products.

5. "Farm operation" means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at roadside stands or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.

6. "Farm products" means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

7. "Nuisance" means a public or private nuisance as defined either by statute, administrative rule, ordinance, or the common law.

8. "Nuisance action or proceeding" means an action, claim, or proceeding, whether brought at law, in equity, or as an administrative proceeding, which is based on nuisance.

9. "Farmland" means those parcels of land suitable for the production of farm products.

Sec. 4. NEW SECTION. COUNTY LAND PRESERVATION AND USE COMMISSIONS ESTABLISHED.

1. In each county a county land preservation and use commission is created composed of the following members:

- a. One member appointed by and from the county agricultural extension council.
- b. Two members appointed by the district soil conservation commissioners, one of whom must be a member of the district soil conservation board of commissioners and one must be a person who is not a commissioner, but is actively operating a farm in the county.
- c. One member appointed by the board of supervisors from the residents of the county who may be a member of the board.
- d. One member appointed by and from a convention of the mayors and councilpersons of the cities of the county. If a participating city contains fifty percent or more of the total population of the participating cities, that city may appoint the member appointed under this paragraph.

However, if a city contains more than fifty percent of the population of a county which has a population exceeding fifty thousand persons, that city shall not participate in the convention of mayors and councilpersons and the members appointed under paragraph d shall be one member appointed by and from the mayor and councilpersons of that city and one member appointed by and from the convention of mayors and councilpersons and the member appointed under paragraph c shall be a resident of the county engaged in actual farming operations appointed by the board of supervisors.

2. The county commission shall meet and organize by the election of a chairperson and vice chairperson from among its members by October 1, 1982. A majority of the members of the county commission constitutes a quorum. Concurrence of a quorum is required to determine any matter relating to its official duties.

3. The state agricultural extension service shall provide county commissions with technical, informational, and clerical assistance.

4. A vacancy in the county commission shall be filled in the same manner as the appointment of the member whose position is vacant. The term of a county commissioner is four years. However, in the initial appointments to the county commission, the members appointed under paragraphs a and b of subsection 1 shall be appointed to terms of two years. Members may be appointed to succeed themselves.

Sec. 5. NEW SECTION. COUNTY INVENTORIES.

1. Each county commission shall compile a county land use inventory of the unincorporated areas of the county by January 1, 1984. The county inventories shall where adequate data is available contain at least the following:

- a. The land available and used for agricultural purposes by soil suitability classifications or land capability classification, whichever is available.
- b. The lands used for public facilities, which may include parks, recreation areas,

schools, government buildings and historical sites.

c. The lands used for private open spaces, which may include woodlands, wetlands and water bodies.

d. The land used for each of the following uses: commercial, industrial including mineral extraction, residential and transportation.

e. The lands which have been converted from agricultural use to residential use, commercial or industrial use, or public facilities since 1960.

2. In addition to that provided under subsection 1, the county inventory shall also contain the land inside the boundaries of a city which is taxed as agricultural land.

3. The information required by subsection 1 shall be provided both in narrative and map form. The county commission shall provide a cartographic display which contrasts the county's present land use with the land use in the county in 1960 based on the best available information. The display need only show the areas in agriculture, private open spaces, public facilities, commercial, industrial, residential and transportation uses.

4. The state department of agriculture, office for planning and programming, department of soil conservation, state conservation commission, Iowa natural resources council, department of environmental quality, geological survey, state agricultural extension service, and the Iowa development commission shall, upon request, provide to each county commission any pertinent land use information available to assist in the compiling of the county land use inventories.

Sec. 6. NEW SECTION. COUNTY LAND PRESERVATION AND USE PLAN.

1. By September 1, 1984, after at least one public hearing, a county commission shall propose to the county board a county land use plan for the unincorporated areas in the county, or it shall transmit to the county board the county land use inventory completed pursuant to section 5 of this Act together with a set of written findings on the following factors considered by the county commission:

a. Methods of preserving agricultural lands for agricultural production.

b. Methods of preserving and providing for recreational areas, forests, wetlands, streams, lakes and aquifers.

c. Methods of providing for housing, commercial, industrial, transportation and recreational needs.

d. Methods to promote the efficient use and conservation of energy resources.

- e. Methods to promote the creation and maintenance of wildlife habitat.
 - f. Methods of implementing the plan, if adopted, including a formal countywide system to allow variances from the county plan that incorporates the examination of alternative land uses and a public hearing on such alternatives.
 - g. Methods of encouraging the voluntary formation of agricultural areas by the owners of farmland.
 - h. Methods of considering the platting of subdivisions and its effect upon the availability of farmland.
- 2. Upon receipt of the inventory and findings, the county board may direct the county commission to prepare a county land use plan for the consideration of the county board.
 - 3. Upon receipt of a plan, the county board may rerefer the plan to the county commission for modification, reject the plan or adopt the plan either as originally submitted or as modified.

If the plan is approved by the county board, it shall be the land use policy of the county and shall be administered and enforced by the county in the unincorporated areas. The county commission shall review the county plan periodically for the purpose of considering amendments to it. If the commission proposes amendments to the plan, it shall forward the proposal to the county board which may rerefer the amendments to the commission for modification or reject or adopt the amendments.

4. Within thirty days after the completion of the county land use inventory compiled pursuant to section 5 of this Act or any county land use plan or set of written findings completed pursuant to section 6 of this Act, the county commission shall transmit one copy of each to the interagency resource council.

Sec. 7. NEW SECTION. CREATION OF AGRICULTURAL AREAS. An owner of farmland may submit a proposal to the county board for the creation of an agricultural area within the county. An agricultural area, at its creation, shall include at least five hundred acres of farmland, however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance pursuant to section 15 of this Act. The proposal shall include a description of the proposed area, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of the city. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this section, the use of the land in agricultural areas is limited to farm operations.

1. The following shall be permitted in an agricultural area:

a. Residences constructed for occupation by a person engaged in farming or in a family farm operation. Nonconforming preexisting residences may be continued in residential use.

b. Property of a telephone company, city utility as defined in section 390.1, public utility as defined in section 476.1, or pipeline company as defined in section 479.2.

2. The county board of supervisors may permit any use not listed in subsection 1 in an agricultural area only if it finds all of the following:

a. The use is not inconsistent with the purposes set forth in section 2 of this Act.

b. The use does not interfere seriously with farm operations within the area.

c. The use does not materially alter the stability of the overall land use pattern in the area.

Sec. 8. NEW SECTION. DUTIES OF COUNTY BOARD.

1. Within thirty days of receipt of a proposal for an agricultural area which meets the statutory requirements, the county board shall provide notice of the proposal by publishing notice in a newspaper of general circulation in the county. Within forty-five days after receipt, the county board shall hold a public hearing on the proposal.

2. Within sixty days after receipt, the county board shall adopt the proposal or any modification of the proposal it deems appropriate, unless to do so would be inconsistent with the purposes of this chapter.

Sec. 9. NEW SECTION. REQUIREMENT THAT DESCRIPTION OF AGRICULTURAL AREAS BE FILED WITH COUNTY AUDITOR AND COUNTY RECORDER. Upon the creation of an agricultural area, its description shall be filed by the county board with the county auditor and placed on record in the office of the county recorder.

Sec. 10. NEW SECTION. WITHDRAWAL. At any time after three years from the date of creation of an agricultural area, an owner may withdraw from an

agricultural area by filing with the county board a request for withdrawal containing a legal description of the land to be withdrawn and a statement of the reasons for the withdrawal. The county board shall, within sixty days of receipt of the request, approve or deny the request for withdrawal. At any time after six years from the date of creation of an agricultural area, an owner may withdraw from an agricultural area by filing with the county board a notice of withdrawal containing a legal description of the land to be withdrawn.

The board shall cause the description of that agricultural area filed with the county auditor and recorded with the county recorder to be modified to reflect any withdrawal. Withdrawal shall be effective on the date of recording. The agricultural area from which the land is withdrawn shall continue in existence even if smaller than five hundred acres after withdrawal.

Sec. 11. NEW SECTION. LIMITATION ON POWER OF CERTAIN PUBLIC AGENCIES TO IMPOSE PUBLIC BENEFIT ASSESSMENTS OR SPECIAL ASSESSMENTS. A political subdivision or a benefited district providing public services such as sewer, water, or lights or for nonfarm drainage shall not impose benefit assessments or special assessments on land used primarily for agricultural production within an agricultural area on the basis of frontage, acreage, or value, unless the benefit assessments or special assessments were imposed prior to the formation of the agricultural area, or unless the service is provided to the landowner on the same basis as others having the service.

Sec. 12. NEW SECTION. INCENTIVES FOR AGRICULTURAL LAND PRESERVATION.

1. NUISANCE RESTRICTION. A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. The subsection does not apply if the nuisance results from the negligent operation of the farm or farm operation. This subsection does not apply to actions or proceedings arising from injury or damage to person or property caused by the farm or farm operation before the creation of the agricultural area. This subsection does not affect or defeat the right of a person to recover damages for injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land.

2. WATER PRIORITY. In the application for a permit to divert, store, or withdraw water and in the allocation of available water resources under a water permit system, the Iowa natural resources council shall give priority to the use of water resources by a farm or farm operations, exclusive of irrigation, located in an

agricultural area over all other uses except the competing uses of water for ordinary household purposes.

Sec. 13. NEW SECTION. STATE REGULATION. In order to accomplish the purposes set forth in section 2 of this Act, a rule adopted by a state agency after the effective date of this Act which would restrict or regulate farms or farm operations may contain standards which are less restrictive for farms or farm operations inside an agricultural area than for farms or farm operations outside such an area. A rule containing such a discrimination shall not for the fact of such discrimination alone be found or held to be unreasonable, arbitrary, capricious, beyond the authority delegated to the agency, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 14. NEW SECTION. STATE INTERAGENCY RESOURCE COUNCIL. The state interagency resource council shall:

1. Serve as a center to gather information from various resources and agencies and disseminating this information to the county commissions.
2. Receive the county inventories and compile a statewide summary of the information contained in the inventories and submit the summary to the general assembly.
3. Distribute information beneficial to the county commissions for preparing the county plan.
4. Disseminate beneficial information or procedures developed by one or more counties to other counties.
5. Receive and maintain a record of individual county plans.

Sec. 15. Chapter 358A, Code 1981, is amended by adding the following new section:

NEW SECTION. AGRICULTURAL LAND PRESERVATION ORDINANCE. If a county adopts an agricultural land preservation ordinance under this chapter which subjects farmland to the same use restrictions provided in section 7 of this Act for agricultural areas, sections 11 through 13 and section 19 of this Act shall apply to farms and farm operations which are subject to the agricultural land preservation ordinance.

Sec. 16. Section 358A.2, Code 1981 Supplement, is amended to read as follows:

358A.2 FARMS EXEMPT. No Except to the extent required to implement section 15 of this Act, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

Sec. 17. Section 358A.5, unnumbered paragraph 1, Code 1981 Supplement, is amended to read as follows:

Such The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.

Sec. 18. Section 414.3, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 125, section 2, is amended to read as follows:

Such The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However, provisions of this section relating to the objectives of energy conservation and access to solar energy shall do not be construed as voiding void any zoning regulation existing on the effective date of this Act July 1, 1981, or to require zoning in a city that did not have zoning prior to the effective date of this Act July 1, 1981.

Sec. 19. Section 472.3, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. If the damages are to be paid by the state and the land to be condemned is within an agricultural area as provided in chapter 93A, a statement disclosing whether any of that land is classified as class I or class II land under the United States department of agriculture soil conservation service land capability classification system contained in the agriculture handbook number 210, 1961 edition

and, if so classified, stating that the class I or class II land is reasonably necessary for the work of internal improvement for which condemnation is sought.

Sec. 20. This Act does not invalidate any part of a zoning ordinance which is in effect on the effective date of this Act, or require the adoption of a zoning ordinance by any subdivision of the state."

2. Amend the title, by striking lines 3 and 4 and inserting in lieu thereof the following: "land preservation ordinances, county land use plans and agricultural areas and providing for certain preferences and restrictions on certain proceedings and assessments.

ON THE PART OF THE HOUSE:

WAYNE BENNETT, Chair
DALE M. COCHRAN
PHILIP A. DAVITT
WENDELL C. PELLETT
JOHN PELTON

ON THE PART OF THE SENATE:

DALE L. TIEDEN, Chair
FORREST V. SCHWENGELS
TOM SLATER
BASS VAN GILST
ARNE WALDSTEIN

A non-record roll call was requested.

Rule 80 was invoked.

The ayes were 56, nays 41.

The motion prevailed and the report was adopted.

Bennett of Ida moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2218)

The ayes were, 60:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gettings
Gross	Groth	Halvorson, R. A.	Hansen, I.
Hanson, D.	Harbor	Hoffmann-Bright	Holt
Hummel	Jay	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellett	Pelton
Petrick	Poffenberger	Pope	Renken
Ritsema	Schnekloth	Schroeder	Shull
Smalley	Smith	Spear	Stueland
Sullivan	Swearingen	Tofte	Trucano
Tyrrell	Van Maanen	Welden	Mr. Speaker

The nays were, 37:

Anderson, R.	Arnould	Avenson	Baxter
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Doderer
Fey	Hall	Halvorson, R. N.	Horn
Jochum	Lloyd-Jones	Loneragan	Norland
O'Kane	Oxley	Pavich	Poney
Rapp	Renaud	Rosenberg	Running
Sturgeon	Swartz	Walter	Welsh
Woods			

Absent or not voting, 3:

Binneboese	Clements	Howell
------------	----------	--------

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(Senate File 2178)

Swearingen of Keokuk called up for consideration the report of the conference committee on Senate File 2178 filed on April 24, 1982 as follows and moved the adoption of the conference committee report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 2178

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2178, a bill for an act relating to the administration and benefits of public retirement systems, respectfully make the following report:

1. That the House of Representatives recedes from its amendment, S—5630.
2. That Senate File 2178, 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 97A.1, subsections 9 and 10, Code 1981, are amended to read as follows:

9. "Child" or "children" shall mean means only the surviving issue of a deceased active or retired member, or the a child or children legally adopted by a deceased member prior to his the member's retirement. "Child" includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two and is a full-time student, or an individual who is disabled under the definitions used in section 402 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.

10. "Earnable compensation" or "compensation earnable" shall mean the regular compensation which a member would earn during one year on the basis of the stated compensation for the member's rank or position including compensation for longevity and the daily amount received for meals under section 80.8 and excluding any amount received for overtime compensation or other special additional compensation, meal

and other payments for meal expenses, uniform cleaning allowances, travel expenses, and uniform allowances and excluding any amount received upon termination or retirement in payment for accumulated sick leave or vacation.

Sec. 2. Section 97A.1, subsection 12, Code 1981, is amended to read as follows:

12. "Average final compensation" shall mean the average earnable compensation of the member during the member's highest five three years of service as a member of the state department of public safety, or if the member has had less than five three years of such service, then the average earnable compensation of the member's entire period of service.

Sec. 3. Section 97A.6, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Any member in service who has been a member of the retirement system fifteen or more years and whose employment is terminated prior to the member's retirement, other than by death or disability, shall upon attaining retirement age, receive a service retirement allowance of fifteen twenty-seconds of the retirement allowance the member would receive at retirement if the member's employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding twenty-two years of service. The amount of the retirement allowance shall be based on calculated in the manner provided in this paragraph using the average final compensation at the time of termination of employment.

Sec. 4. Section 97A.6, subsection 7, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Should any beneficiary for either ordinary or accidental disability, except a beneficiary who is fifty-five years of age or over and would have completed twenty-two years of service if he or she the beneficiary had remained in active service, be engaged in a gainful occupation paying more than the difference between the member's retirement allowance and one and one-half times the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement, then the amount of the retirement allowance shall be reduced to an amount which together with the amount earned by the member shall equal one and one-half times the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. Should the member's earning capacity be later changed, the amount of the retirement allowance may be further modified, provided, that the new retirement allowance shall not exceed the amount of the retirement allowance originally granted adjusted by annual readjustments of pensions pursuant to subsection 15 of this section nor an amount which, when added to the amount earned by the beneficiary, equals one and one-half times the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which the member was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his or her retirement allowance suspended while in active service. If the rank or position held by the retired

member is subsequently abolished, adjustments to the allowable limit on the amount of income which can be earned in a gainful occupation shall be computed in the same manner as provided in subsection 15, paragraph "d," of this section for readjustment of pensions when a rank or position has been abolished.

Sec. 5. Section 97A.6, subsection 7, paragraph b, Code 1981, is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than his the disability beneficiary's average final compensation, his the disability beneficiary's retirement allowance shall cease, he the disability beneficiary shall again become a member and he shall contribute thereafter at the same rate he paid prior to disability, and any former service on the basis of which his the disability beneficiary's service was computed at the time of his retirement shall be restored to full force and effect and upon his subsequent retirement he the disability beneficiary shall be credited with all his service as a member, and also with the period of disability retirement; provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period if his compensation at the time of disability had continued.

Sec. 6. Section 97A.6, subsection 8, paragraphs b, d, e, and f, Code 1981, are amended to read as follows:

b. If there be is no such nomination of beneficiary, the benefits provided in paragraph "a" of this subsection 8 shall be paid to the member's estate; or in lieu thereof, at the option of the following beneficiaries, respectively, even though nominated as such beneficiaries, for a member in service there shall be paid at the time of death a pension which shall be paid equal to one-fourth of the average final compensation of such the member, but in no instance less than fifty dollars per month or for a member not in service at the time of death the pension shall be reduced as provided in subsection 1, paragraph "c", of this section and shall be paid commencing when the member would have attained the age of fifty-five except if there is a child of the member under the age of eighteen, or under the age of twenty-two who is a full-time student, or who is disabled, under the definitions used in section 402 of the Social Security Act as amended to July 1, 1978 (42 U.S.C. 402), the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable, and shall resume commencing when the member would have attained the age of fifty-five;

d. If there be is no surviving spouse, or if the spouse dies or remarries before any child of such deceased member shall have attained the age of eighteen years- and there is a child of a member, then to the guardian of the member's child or children under said age, divided in such manner as the board of trustees in its discretion shall determine determines, to continue as a joint and survivor pension until every such child of the member dies or attains the age of eighteen or twenty-two if applicable; or

e. If there be is no surviving spouse or child under age eighteen, then to the member's dependent father or mother or both, as the board of trustees in its discretion shall determine determines, to continue until remarriage or death.

f. In addition to the benefits herein enumerated in this subsection, there shall also be paid for each child of a member under the age of eighteen years a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrolman of the Iowa highway safety patrol.

For the purpose of this chapter, a senior patrolman is a man or woman who has completed ten years of service in the Iowa highway safety patrol.

Sec. 7. Section 97A.6, subsection 9, paragraphs b and c, Code 1981, are amended to read as follows:

b. If there be is no surviving spouse, children under the age of eighteen years child, or dependent parent surviving such a deceased member, the death shall be treated as an ordinary death case and the benefit payable in accordance with the provisions of under subsection 8, paragraph "a" of this section, in lieu of the pension provided in paragraph "a" of this subsection 9, shall be paid to the member's estate.

c. In addition to the benefits for the surviving spouse herein enumerated in this subsection, there shall also be paid for each dependent child of a member under the age of eighteen years a monthly pension equal to six percent of the monthly earnable compensation payable to an active member having the rank of senior patrolman of the Iowa highway safety patrol.

Sec. 8. Section 97A.6, subsection 12, paragraph b, Code 1981, is amended to read as follows:

b. In the event of the death of If the spouse dies either prior or subsequent to the death of the member, to the guardian of each surviving child under eighteen years of age, a monthly pension equal to the monthly pension payable under subsection 9, paragraph "c," of this section for the support of such the child.

Sec. 9. Section 97A.8, subsection 1, paragraph f, Code 1981, is amended to read as follows:

f. An amount equal to two three and twenty-one hundredths one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation fund.

Sec. 10. Section 97B.7, subsection 2, paragraph b, subparagraphs (3), (4), and (5), Code 1981, are amended by striking the subparagraphs, inserting in lieu thereof the following subparagraphs, and renumbering the remaining subparagraphs:

(3) That the common stock or shares issued by solvent corporations or institutions are eligible for investment if the stock or shares are listed or admitted to trading on a securities exchange located in the United States or are publicly held and have been traded in the "over-the-counter" market and market quotations are readily available.

(4) That, where prudent, investments made under this paragraph shall be made in a manner that will enhance the economy of this state, and in particular, will result in increased employment of the residents of this state.

Sec. 11. Section 97B.8, Code 1981, is amended to read as follows:

97B.8 ADVISORY INVESTMENT BOARD. A board shall be established to be known as the "Advisory Investment Board of the Iowa Public Employees' Retirement System", hereinafter called the "board", whose duties shall be to advise and confer with the department in matters relating to the investment of the trust funds of the Iowa public employees' retirement system. The powers of the board shall be purely advisory and the department shall not be bound in the making of any investment by the recommendations of the board.

PARAGRAPH DIVIDED. The board shall consist of seven members. Five of the members shall be appointed by the governor, one of whom shall be an executive of a domestic life insurance company, one an executive of a state or national bank operating within the state of Iowa, one an executive of a major industrial corporation located within the state of Iowa, and two shall be active members of the system, one of whom shall be an employee of a school district, county school system, joint county system area education agency, or merged area and one of whom shall not be an employee of a school district, county school system, joint county system area education agency, or merged area. The president of the senate shall appoint one member from the membership of the senate and the speaker of the house of representatives shall appoint one member from the membership of the house. The two members appointed by the president of the senate and the speaker of the house of representatives and the two active members of the system appointed by the governor shall be ex officio members of the board.

PARAGRAPH DIVIDED. The members who are executives of a domestic life insurance company, a state or national bank and a major industrial corporation shall be paid their actual expenses incurred in performance of their duties and shall receive in addition the sum of forty dollars for each day of service not exceeding forty days per year. Legislative members shall receive the sum of forty dollars for each day of service and their actual expenses incurred in the performance of their duties. The per diem and expenses of the legislative members shall be paid from funds appropriated under section 2.12. The members who are active members of the system shall be paid their actual expenses incurred in the performance of their duties as members of the board and performance of their duties as members of the board shall not affect their salaries, vacation or leaves of absence for sickness or injury. The appointive terms of the members appointed by the governor shall be for a period of six years beginning and ending as provided in section 69.19. In the event of If there is a vacancy, through resignation or any other cause, in the membership of the board, the governor shall have the power of appointment. Appointees to this board shall be subject to confirmation by the senate.

Sec. 12. Section 97B.11, Code 1981, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE. Each employer shall deduct from the wages of each member of the system a contribution in the amount of three and six-tenths seven-tenths percent of the covered wages paid by the employer through June 30, 1979 December 31, 1984, and commencing July 1, 1979 January 1, 1985, in the amount of three and seven-tenths eight-tenths percent of the covered wages paid by the employer, until the first of the month in which the member attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier. The contributions of the employer shall be in the amount of three and one-half percent of the covered wages of the member for service

through December 31, 1975, and in the amount of five and twenty-five seventy-five hundredths percent of the covered wages of the member for service commencing July 1, 1977 through June 30, 1979 December 31, 1984, and in the amount of five and seventy-five six and twenty-five hundredths percent of the covered wages of the member for service commencing July 1, 1979 January 1, 1985.

Sec. 13. Section 97B.41, subsection 1, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

"Wages" means all remuneration for employment, including the cash value of remuneration paid in any a medium other than cash, but not including the cash value of remuneration paid in any a medium other than cash necessitated by the convenience of the employer; such. The amount as agreed upon by the employer and employee and for remuneration paid in a medium other than cash shall be reported to the department by the employer shall be and is conclusive of the value of the remuneration in a medium other than cash; except that. However, remuneration which does not equal or exceed the sum of three hundred dollars in any a calendar quarter shall be excluded. "Wages" does not include special lump sum payments made as payment for sick leave or accrued vacation or payments made as an incentive for early retirement. Wages for an elected official means the salary received by an elected official, exclusive of expense and travel allowances.

Sec. 14. Section 97B.41, subsection 1, paragraph b, subparagraph (4), Code 1981, is amended to read as follows:

(4) For each calendar year from January 1, 1976, and thereafter through December 31, 1983, wages not in excess of twenty thousand dollars.

Sec. 15. Section 97B.41, subsection 1, paragraph b, subparagraph (6), Code 1981, is amended to read as follows:

(6) If a member is employed by more than one employer during a calendar year, the total amount of wages paid to him the member by his the several employers shall be included in determining the limitation on covered wages as provided by in this paragraph "b", subparagraph (3), of this section. If the amount of wages paid to a member by his the member's several employers during a calendar year exceeds the covered wage limit, the amount of such excess shall not be subject to the contributions required by section 97B.11.

Sec. 16. Section 97B.41, subsection 1, paragraph b, Code 1981, is amended by adding the following new subparagraphs after subparagraph (4) and renumbering the remaining subparagraphs:

NEW SUBPARAGRAPH. For each calendar year from January 1, 1984 through December 31, 1985, wages not in excess of twenty-one thousand dollars per year.

NEW SUBPARAGRAPH. For each calendar year from January 1, 1986 and thereafter, wages not in excess of twenty-two thousand dollars.

Sec. 17. Section 97B.41, subsection 20, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

20. "Five-year average covered wage" means a member's covered wages averaged for the highest five years of the member's service. If the member has less than five years of service, then the average shall be computed using the actual number of years as a member. The highest five years of a member's covered wages shall be determined using calendar years. However, if a member's final quarter of a year of employment does not occur at the end of a calendar year, the department may determine the wages for the fifth year by combining the wages from the highest quarter or quarters not being used in the selection of the four highest years with the final quarter or quarters of the member's service to create a full year. If the five-year average covered wage of a member exceeds the highest maximum covered wages in effect for a calendar year during the member's period of service, the five-year average covered wage of the member shall be reduced to the highest maximum covered wages in effect during the member's period of service.

Sec. 18. Section 97B.48, subsection 3, Code 1981, is amended to read as follows:

3. If at any time after the first day of the month in which the member attains the age of fifty-five years and until the member's sixty-fifth birthday, a member who is retired under this chapter is in regular full-time employment, the member's retirement allowance shall be suspended for as long as the member remains in employment. However, employment shall not be regarded as full-time employment until the member receives remuneration in an amount in excess of two thousand one hundred dollars for any a calendar year. Effective the first of the month in which a member attains the age of sixty-five years, a retired member shall be entitled to may receive a retirement allowance after return to covered employment regardless of the amount of remuneration received. As of the first of the month in which the member attains the age of seventy years, the member shall be entitled to may receive a retirement allowance determined under section 97B.49, regardless of the amount of remuneration received. Upon any a retirement after re-employment, a retired member shall be entitled to may have his or her the retired member's retirement allowance redetermined under this section or section 97B.49 or 97B.50, whichever is applicable, based upon the employee's and employer's additional contributions, and any addition of credit for the years of membership service of the employee after re-employment.

Sec. 19. Section 97B.49, subsection 5, unnumbered paragraph 1, Code 1981, is amended to read as follows:

5. For each active member retiring on or after between January 1, 1976 and June 30, 1982, with four or more complete years of service, a monthly benefit shall be computed which is equal to one-twelfth of an amount equal to forty-seven percent of the five-year average covered wage multiplied by a fraction of years of service. For each member retiring on or after July 1, 1982, with four or more complete years of service, the percent used in computing the monthly benefit is fifty. For the purposes of this subsection, "fraction of years of service" means a number, not to exceed one, equal to the sum of the years of membership service and the number of years of prior service divided by thirty years.

Sec. 20. Section 97B.49, subsection 7, Code 1981, is amended to read as follows:

7. Notwithstanding the other provisions of this chapter, a member who is or has been employed as a conservation peace officer under the provisions of section 107.13 and who retires on or after between July 1, 1978 and June 30, 1982 and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a conservation peace officer, may elect to receive, in lieu of the receipt of any benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wage as a conservation peace officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime. For each conservation peace officer eligible for benefits under this subsection who retires on or after July 1, 1982, the percent used in computing the monthly retirement allowance is fifty. There is appropriated from the general fund of the state to the Iowa department of job service from funds not otherwise appropriated an amount sufficient to pay eight and forty-three hundredths percent of the covered wages of each conservation peace officer, in addition to the contribution paid by the employer under section 97B.11, to finance increased benefits to conservation peace officers under this subsection.

Sec. 21. Section 97B.49, subsection 8, Code 1981, is amended to read as follows:

8. a. Notwithstanding the other provisions of this chapter, a member who is or has been employed as a county sheriff, as defined in section 39.17, or as a deputy sheriff appointed pursuant to ~~chapter 341~~ section 341.1, Code 1981, or section 331.903, Code 1981 Supplement, and who retires on or after between January 1, 1978 and June 30, 1982, and at the time of retirement is at least sixty years of age and has completed at least twenty-five years of membership service as a county sheriff or deputy sheriff, may elect to receive, in lieu of the benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of forty-seven percent of the member's five-year average covered wage as a sheriff or deputy sheriff multiplied by a fraction of years of service, with benefits payable during the member's lifetime. For each sheriff and deputy sheriff eligible for benefits under this subsection who retires between July 1, 1982 and June 30, 1983, the percent used in computing the monthly retirement allowance is fifty.

Notwithstanding other provisions of this chapter, a member who is or has been employed as a peace officer, and who retires on or after July 1, 1983 and meets the age requirements and membership service requirements for benefits specified in this paragraph may elect to receive a monthly retirement allowance equal to one-twelfth of fifty percent of the member's five-year average covered wage as a peace officer, with benefits payable during the member's lifetime.

For the purpose of this subsection membership service as a peace officer means service under this system as any or all of the following:

(1) As a county sheriff as defined in section 39.17.

(2) As a deputy sheriff appointed pursuant to section 341.1, Code 1981, or section 331.903, Code 1981 Supplement.

(3) As a marshal or police officer in a city not covered under chapter 400.

b. Each county and applicable city and employee eligible for benefits under this section shall annually contribute an amount determined by the Iowa department of job service, as a percentage of covered wages, to be necessary to pay for the additional benefits provided by this section. The annual contribution in excess of the employer and employee contributions required by this chapter shall be paid by the employer and the employee in the same proportion that employer and employee contributions are made under section 97B.11. The additional percentage of covered wage wages shall be calculated separately by the department for service under paragraph a, subparagraphs (1) and (2), and for service under paragraph a, subparagraph (3), and each shall be an actuarially determined amount for that type of service which, if contributed throughout the entire period of active service, would be sufficient to provide the pension benefit provided in this section.

Sec. 22. Section 97B.49, subsection 10, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Notwithstanding sections of this chapter relating to eligibility for and determination of retirement benefits, a vested member who is or has been employed as a correctional officer by the department of social services and who retires on or after July 1, 1983 and at the time of retirement is at least sixty years of age and has completed at least thirty years of membership service as a correctional officer, may elect to receive, in lieu of the receipt of benefits under subsection 5 of this section, a monthly retirement allowance equal to one-twelfth of ~~forty-seven~~ fifty percent of the member's five-year average covered wages as a correctional officer multiplied by a fraction of years of service, with benefits payable during the member's lifetime.

Sec. 23. Section 97B.49, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. a. Effective beginning July 1, 1982, for each member who retired from the system prior to January 1, 1976, and for each member who retired from the system on or after January 1, 1976 under subsection 1 of this section, the amount of regular monthly retirement allowance attributable to membership service and prior service that was payable to the member for June 1982 is increased as follows:

(1) For the first ten years of service, fifty cents per month for each complete year of service.

(2) For the eleventh through the twentieth years of service, one dollar per month for each complete year of service.

(3) For the twenty-first through the thirtieth years of service, one dollar and fifty cents per month for each complete year of service.

(4) The amount of monthly increase payable to a member under this subsection is also payable to a beneficiary and a contingent annuitant and shall be reduced by an amount based upon the actuarial equivalent of the option selected in section 97B.51 or section 97B.52 compared to the full monthly benefit provided in this section.

b. (1) There is appropriated annually from the general fund of the state to the Iowa department of job service to be deposited in the Iowa public employees' retirement fund, to pay for the benefit increases provided in this subsection, except as otherwise provided in this subsection, the sum of two million two hundred seventeen thousand dollars per year, commencing with the fiscal year beginning July 1, 1982 and through the fiscal year beginning July 1, 2001, for each fiscal year in which the unobligated state general fund balance on June 30 of the preceding fiscal year as certified by the state comptroller by the following September 10 is more than thirty-five million dollars.

(2) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001 as certified by the state comptroller by the following September 10 is less than thirty-five million dollars, the cost of benefit increases provided in this subsection of two million two hundred seventeen thousand dollars per year for the fiscal year following that June 30 shall be absorbed by the Iowa public employees' retirement fund.

(3) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001, minus the amount appropriated in subparagraph (1), is more than thirty-five million dollars as certified by the state comptroller by the following September 10 and the cost of the benefit increases provided in this subsection during that fiscal year, or any previous fiscal year, has been absorbed by the Iowa public employees' retirement fund and has not previously been repaid from the state general fund in the manner provided in this subparagraph, there is appropriated from the general fund of the state to the Iowa department of job service for the fiscal year beginning the following July 1 two million two hundred seventeen thousand dollars to be deposited in the Iowa public employees' retirement fund, to pay the cost of the benefit increases provided in this subsection and absorbed by the Iowa public employees' retirement fund for a previous fiscal year or portion of a fiscal year.

(4) Notwithstanding subparagraphs (1) and (3), funds appropriated in subparagraphs (1) and (3) for a fiscal year shall not exceed the amount by which the unobligated state general fund balance on June 30 of a fiscal year as certified by the state comptroller by the following September 10 exceeds thirty-five million dollars.

Sec. 24. Section 97B.53, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. The department shall refund employee and employer contributions on the covered wages earned by a retired member that are not used in the recomputation of monthly benefits of that member.

Sec. 25. Section 97B.75, Code 1981, is amended to read as follows:

97B.75 PRIOR SERVICE CREDIT BEFORE JANUARY 1, 1946. An active, vested, or retired member who was employed prior to January 1, 1946 by the state or a political subdivision, except for a member employed by a school district which had established a pension and annuity retirement system under sections 204.8, 204.9, and 204.10, and was not employed by the state or a political subdivision between January 1, 1946 and July 4, 1953, an employer may file written verification of the member's dates of employment with the department of job service and receive credit for years of

prior service for the period of employment. However, a member who is eligible for or receiving a retirement allowance based upon employment with an employer prior to January 1, 1946 is not eligible for credit for that period of employment.

Sec. 26. Section 411.1, subsection 11, Code 1981, is amended to read as follows:

11. "Child" or "children" shall mean means only surviving issue of a deceased active or retired member, or the a child or children legally adopted by a deceased member prior to his the member's retirement. "Child" includes only an individual who is under the age of eighteen years, an individual who is under the age of twenty-two years and is a full-time student, or an individual who is disabled at the time under the definitions used in section 402 of the Social Security Act as amended if the disability occurred to the individual during the time the individual was under the age of eighteen years and the parent of the individual was an active member of the system.

Sec. 27. Section 411.1, subsection 14, Code 1981, is amended to read as follows:

14. "Average final compensation" shall mean means the average earnable compensation of the member during the five three years of service he the member earned his the member's highest salary as a policeman police officer or fireman fire fighter, or if he the member has had less than five three years of such service, then the average earnable compensation of his the member's entire period of service.

Sec. 28. Section 411.5, subsection 1, paragraphs a and b, Code 1981, are amended to read as follows:

a. The chief officer of the fire department, the city treasurer, the city solicitor or attorney, two firemen fire fighters elected by secret ballot by the members of said the department who are entitled to participate in a firemen's pension fund fire retirement system established by law, and two three citizens who do not hold any other another public office, who shall be appointed by the mayor with the approval of the city council, shall constitute serve as the members of the board of trustees of the fire retirement system.

b. The chief officer of the police department, the city treasurer, the city solicitor or attorney, two policemen police officers elected by secret ballot by the members of said the department who are entitled to participate in a policemen's pension fund police retirement system established by law, and two three citizens who do not hold any other another public office, who shall be appointed by the mayor with the approval of the city council, shall constitute serve as the members of the board of trustees of the police retirement system.

Sec. 29. Section 411.5, subsection 8, Code 1981, is amended to read as follows:

8. LEGAL ADVISER. The city attorney or solicitor of the said cities a city shall be serve as the legal adviser of the boards board of trustees at the request of the board.

Sec. 30. Section 411.6, subsection 1, paragraph a, Code 1981, is amended to read as follows:

a. Any member in service may retire upon his written application to the board of police or fire trustees as the case may be, setting forth at what time, not less than thirty nor more than ninety days subsequent to the execution and filing thereof, he of the application, the member desires to be retired, provided, that, However, the said member at the time so specified for his retirement shall have attained the age of fifty-five and shall have served twenty-two years or more in said department, and notwithstanding that, during such the period of notification, he the member may have separated from the service.

Sec. 31. Section 411.6, subsection 1, paragraph b, Code 1981, is amended to read as follows:

b. Any member in service who has been a member of the retirement system fifteen or more years and whose employment is terminated prior to the member's retirement, other than by death or disability, shall upon attaining retirement age, receive a service retirement allowance of fifteen twenty-seconds of the retirement allowance the member would receive at retirement if his or her the member's employment had not been terminated, and an additional one twenty-second of such retirement allowance for each additional year of service not exceeding twenty-two years of service. The amount of the retirement allowance shall be based on calculated in the manner provided in this paragraph using the average final compensation at the time of termination of employment.

Sec. 32. Section 411.6, subsection 7, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Should any beneficiary for either ordinary or accidental disability, except a beneficiary who is fifty-five years of age or over and would have completed twenty-two years of service if he or she the beneficiary had remained in active service, be engaged in a gainful occupation paying more than the difference between the member's retirement allowance and one and one-half times the earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement, then the amount of the member's retirement allowance shall be reduced to an amount which together with the amount earned by the member shall equal one and one-half times the amount of the current earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. Should the member's earning capacity be later changed, the amount of the member's retirement allowance may be further modified, provided, that the new retirement allowance shall not exceed the amount of the retirement allowance adjusted by annual readjustments of pensions pursuant to subsection 12 of this section nor an amount which, when added to the amount earned by the beneficiary, equals one and one-half times the amount of the earnable compensation of an active member at the same position on the salary scale within the member's rank as the member held at retirement. A beneficiary restored to active service at a salary less than the average final compensation upon the basis of which the member was retired at age fifty-five or greater, shall not again become a member of the retirement system and shall have his or her retirement allowance suspended while in active service. If the rank or position held by the retired member is subsequently abolished, adjustments to the allowable limit on the amount of income which can be earned in a gainful occupation shall be computed in the same manner as provided in subsection 12, paragraph "c," of this section for readjustment of pensions when a rank or position has been abolished.

Sec. 33. Section 411.6, subsection 7, paragraph b, Code 1981, is amended to read as follows:

b. Should a disability beneficiary under age fifty-five be restored to active service at a compensation not less than his the disability beneficiary's average final compensation, his the disability beneficiary's retirement allowance shall cease, he the disability beneficiary shall again become a member and he shall contribute thereafter at the same rate he paid prior to disability, and any former service on the basis of which his the disability beneficiary's service was computed at the time of his retirement shall be restored to full force and effect and upon his subsequent retirement he the disability beneficiary shall be credited with all his service as a member and also with the period of disability retirement, provided that during such period of disability he has not engaged in a gainful occupation from which his net earnings exceeded the difference between his disability retirement allowance and the amount he would have received for said period if his compensation at the time of disability had continued.

Sec. 34. Section 411.6, subsection 8, paragraphs b, d, and e, Code 1981, are amended to read as follows:

b. If there be is no such nomination of beneficiary, the benefits provided in paragraph "a" shall be paid to the member's estate; or in lieu thereof, at the option of the following beneficiaries, respectively, even though nominated as such beneficiaries, for a member in service, there shall be paid at the time of death a pension which shall be paid equal to one-fourth of the average final compensation of such the member, but in no instance less than seventy-five dollars. In addition to the benefits herein enumerated, there There shall also be paid for each child of a member under the age of eighteen years a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department, or for a member not in service the pension shall be reduced as provided in subsection 1, paragraph "c," of this section and shall be paid commencing when the member would have attained the age of fifty-five except that if there is a child of the member under the age of eighteen, or under the age of twenty-two who is a full-time student, or who is disabled, under the definitions used in section 402 of the Social Security Act as amended to July 1, 1978 42 U.S.C. 402, the pension shall be paid commencing with the member's death until the children reach the age of eighteen, or twenty-two if applicable. The pension shall resume commencing when the member would have attained the age of fifty-five;

d. If there be is no spouse, or if the spouse dies or remarries before any child of such deceased member shall have attained the age of eighteen years and there is a child of a member, then to the guardian of his or her the member's child or children under said age, divided in such manner as the board of trustees in its discretion shall determine determines, to continue as a joint and survivor pension until every such child of the member dies or attains the age of eighteen or twenty-two if applicable; or

e. If there be is no surviving spouse or child under age eighteen, then to his or her the member's dependent father or mother or both, as the board of trustees in its discretion shall determine determines, to continue until remarriage or death.

Sec. 35. Section 411.6, subsection 9, paragraphs a and b, Code 1981, are amended to read as follows:

a. A pension equal to one-half of the average final compensation of such the member shall be paid to the member's spouse, children or dependent parents as provided in paragraphs "c", "d" and "e" of subsection 8 of this section. In addition to the benefits for the spouse herein enumerated, there There shall also be paid for each dependent child of a member under the age of eighteen years a monthly pension equal to six percent of the monthly earnable compensation paid to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or holding the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

b. If there be is no spouse, children under the age of eighteen years child, or dependent parent surviving such a deceased member, the death shall be treated as an ordinary death case and the benefit payable in accordance with the provisions of under subsection 8, paragraph "a", in lieu of the pension provided in paragraph "a" of this subsection 9, shall be paid to the member's estate.

Sec. 36. Section 411.6, subsection 11, paragraph b, Code 1981, is amended to read as follows:

b. In the event of the death of If the spouse dies either prior or subsequent to the death of the member, to the guardian of each surviving child under eighteen years of age, a monthly pension equal to the monthly pension payable under subsection 9 of this section for the support of such the child.

Sec. 37. Section 411.6, subsection 12, paragraph a, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Effective July 1, 1980, and on On each July 1 thereafter and January 1, the monthly pensions authorized in this section payable to retired members and to beneficiaries, except children of a deceased member, shall be adjusted as provided in this paragraph. An amount equal to the following percentages of the difference between the monthly earnable compensation payable to an active member of the department, of the same rank and position on the salary scale as was held by the retired or deceased member at the time of the member's retirement or death, for July of the preceding year the month in which the last preceding adjustment was made and the monthly earnable compensation payable to an active member of the department of the same rank and position on the salary scale for July of the year just beginning the month in which the adjustment is made shall be added to the monthly pension of each retired member and each beneficiary as follows:

Sec. 38. Section 411.6, subsection 12, paragraph a, unnumbered paragraph 4, Code 1981, is amended to read as follows:

As of the first of July 1 and January 1 of each year, the monthly pension payable to each surviving child under the provisions of subsections 8, 9, and 11 of this section shall be adjusted to equal six percent of the monthly earnable compensation payable on that July 1 or January 1 to an active member holding the highest grade in the rank of fire fighter, for a child of a deceased member of a fire department, or holding the highest grade in the rank of police patrol officer, for a child of a deceased member of a police department.

Sec. 39. Section 411.6, subsection 12, paragraphs b and d, Code 1981, are amended to read as follows:

b. All monthly pensions adjusted as provided in this subsection shall be payable beginning on July 1 and January 1 of the year in which the adjustment is made and shall continue in effect until the next following July 1 adjustment at which time the monthly pensions shall again be adjusted in accordance with paragraph "a" of this subsection.

d. A retired member eligible for benefits under the provisions of subsection 1 of this section is not eligible for the annual readjustment of pensions provided in this subsection unless the member served twenty-two years and attained the age of fifty-five years prior to his the member's termination of employment.

Sec. 40. Section 411.7, subsection 2, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

2. The city treasurer may invest at the direction of the respective boards of trustees a portion of the funds established in section 411.8 which in the judgment of the respective boards are not needed for current payment of benefits under this chapter in investments authorized in section 97B.7, subsection 2, paragraph b, for moneys in the Iowa public employees' retirement fund.

Sec. 41. Section 411.8, subsection 1, paragraph f, Code 1981, is amended to read as follows:

f. An amount equal to two three and twenty-one hundredths one-tenth percent of each member's compensation from the earnable compensation of the member shall be paid to the pension accumulation fund.

Sec. 42. Section 411.11, Code 1981, is amended to read as follows:

411.11 CONTRIBUTIONS BY THE CITY. On or before January 1 of each year the respective boards of trustees shall certify to the superintendent of public safety the amounts which will become due and payable during the year next following to the pension accumulation fund and the expense fund. The amounts so certified shall be included by the superintendent of public safety in his the annual budget estimate. The amounts so certified shall be appropriated by the said respective cities and transferred to the retirement system for the ensuing year. Said The cities shall annually levy a tax sufficient in amount to cover such the appropriations.

However, the amounts due and payable for a retirement system during its first year, or portion of a year, of operation shall be determined using the rates of contribution adopted by the board of trustees.

Sec. 43. Section 411.19, Code 1981, is amended to read as follows:

411.19 TRANSFER OF BENEFITS TO ANOTHER CITY. A member of a retirement system established in this chapter who terminates employment with a city and is subsequently employed by another city and is eligible for coverage under this chapter, or who transfers in the same city from one retirement system under this chapter to

another retirement system under this chapter, may transfer membership service earned under the first system to the system under which the member is employed. Upon the written request of the member with verification by the board of trustees of the system under which the member is employed, the board of trustees of the first system shall transmit to the board of trustees of the system under which the member is employed, within thirty days of the receipt of the request, the member's accumulated contributions to be deposited in the annuity savings fund of the system under which the member is employed and the actuarial equivalent of the amount in the pension accumulation fund which would be necessary to fund a pension equal to one twenty-second times the number of years of membership service completed, under the first system, to be deposited in the pension accumulation fund of the system under which the member is employed.

Sec. 44. Section 411.20, Code 1981, is amended to read as follows:

411.20 APPROPRIATION TO MUNICIPAL ASSISTANCE FUND.

1. There is appropriated from the general fund of the state to the municipal assistance fund established in chapter 405 for each fiscal year an amount necessary to be distributed to cities which have established fire and police retirement systems under the provisions of this chapter. Funds shall be used to finance the costs of benefits provided in this chapter by amendments of the Acts of the Sixty-sixth General Assembly, chapter 1089.

2. Commencing with the fiscal year beginning July 1, 1979 for retirement systems in existence on June 30, 1978, the amounts distributed to each eligible city to pay the state's portion of the costs of benefit improvements provided by the Sixty-sixth General Assembly, chapter 1089 shall be computed by the actuary employed by the respective board of trustees on the basis of the results of actuarial studies valuations performed by such the actuary for the fiscal years beginning July 1, 1978 and July 1, 1979 as provided in this section.

Prior to December 31, 1979 the actuary employed by the respective board of trustees shall perform the actuarial valuations of the system which are needed to determine the state's portion of the cost of the benefit improvements provided by the Acts of the Sixty-sixth General Assembly, chapter 1089, for the fiscal year commencing July 1, 1979, under this section as this section was effective on June 30, 1978. In addition, the actuary shall perform the actuarial valuations of the system which would have been needed to determine the state's portion of the cost of the benefit improvements under this section as this section was effective on June 30, 1978, for the fiscal year commencing July 1, 1978.

On the basis of the results of the actuarial valuations described above, each actuary employed by a board of trustees shall determine a ratio of the payroll which is determined by dividing the total of the state's portion of the cost of said benefit improvements as determined by the actuarial valuations described for the two fiscal

years by the total payroll of the members of the system for the two fiscal years. The actuary shall certify the ratio so determined to the state comptroller.

For the fiscal year commencing July 1, 1979 and each fiscal year thereafter, the state comptroller shall pay to each city an amount equal to the ratio of payroll computed for a city retirement system times the payroll of the active members employed under that system by that city for the fiscal year.

3. For retirement systems established on or after July 1, 1978, the amounts distributed to cities shall be computed in the manner provided in subsections 1 and 2 by the actuary employed by the respective board of trustees on the basis of results of actuarial valuations performed by the actuary for the first fiscal year, or portion of a fiscal year, and the second fiscal year for which this chapter applies. The results of the actuarial valuations for the first fiscal year, or portion of a fiscal year, for which this chapter applies, shall determine the state's portion of the costs for that fiscal year, or portion of a fiscal year. The results of the actuarial valuations for the first two fiscal years, or for a portion of the first fiscal year and all of the second fiscal year shall determine the state's portion of the costs for the second and later fiscal years. Payment shall be made based upon the ratio of payroll determined in the manner provided in subsection 2.

Sec. 45. Section 411.21, subsection 7, unnumbered paragraph 1, Code 1981, is amended to read as follows:

Notwithstanding subsections 1, 3, 4, 5 and 6 of this section, beginning January 1, 1981, an active or vested member may request in writing and receive from the board of trustees, his or her the member's accumulated contributions from the annuity savings fund and remain eligible to receive benefits under section 411.6. However, a member with fifteen or more years of service prior to July 1, 1979, is not eligible for a service retirement allowance under section 411.6 if he or she the member withdrew his or her the member's accumulated contributions from the annuity savings fund after July 1, 1972 but prior to July 1, 1979, except as provided in section 411.4. Accumulated contributions shall be paid according to the following schedule:

Sec. 46. Pensions payable under section 45 of this Act shall commence July 1, 1982 for a member or a member's spouse.

Sec. 47. Payment of benefits to a child, as defined in sections 1 and 26 of this Act, under sections 6, 7, 8, 34, 35, and 36 of this Act is retroactive to July 1, 1981."

ON THE PART OF THE HOUSE:

GEORGE R. SWEARINGEN, Chair
DIANE BRANDT
DOROTHY CARPENTER
WILLIAM W. DIELEMAN
SEMOR C. TOFTE

ON THE PART OF THE SENATE:

JOHN N. NYSTROM, Chair
ROBERT CARR
FORREST V. SCHWENGELS
TOM SLATER
DALE L. TIEDEN

The motion prevailed and the report was adopted.

Swearingen of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2178)

The ayes were, 94:

Anderson, J.	Anderson, R.	Arnould	Avenson
Baxter	Bennett	Brandt	Branstad
Bruner	Byerly	Carl	Carpenter
Chiodo	Clark, B. J.	Clark, J. H.	Cochran
Conlon	Connolly	Connors	Cook
Copenhaver	Corey	Crabb	Daggett
Danker	Davitt	De Groot	Dieleman
Diemer	Doderer	Egenes	Fey
Gettings	Gross	Groth	Hall
Halvorson, R. A.	Halvorson, R. N.	Hansen, I.	Hanson, D.
Harbor	Hoffmann-Bright	Holt	Horn
Jay	Jochum	Johnson, J.	Johnson, R.
Johnson, W.	Knapp	Krewson	Lageschulte
Lind	Lloyd-Jones	Loneragan	Mann
Maulsby	McKean	Mullins	Norland
O'Kane	Oxley	Pavich	Pellett
Pelton	Petrick	Poffenberger	Poncy
Pope	Rapp	Renaud	Renken
Ritsema	Rosenberg	Running	Schnekloth
Schroeder	Shull	Smalley	Smith
Spear	Stueland	Sturgeon	Sullivan
Swartz	Swearingen	Tofte	Trucano
Tyrell	Van Maanen	Walter	Welsh
Woods	Mr. Speaker		

The nays were, 2:

Hummel Welden

Absent or not voting, 4:

Binneboese Clements Howell Menke

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Avenson of Fayette moved to suspend the rules to withdraw Senate Concurrent Resolution 128 from committee for immediate debate.

Roll call was requested by Groth of Buena Vista and Brandt of Black Hawk.

On the question "Shall the rules be suspended?"

The ayes were, 44:

Anderson, R.	Arnould	Avenson	Baxter
Brandt	Bruner	Byerly	Carl
Chiodo	Cochran	Connolly	Connors
Copenhaver	Davitt	Dieleman	Doderer
Fey,	Gettings	Groth	Hall
Halvorson, R. N.	Horn	Jay	Jochum
Knapp	Lloyd-Jones	Loneragan	Norland
O'Kane	Oxley	Pavich	Pelton
Poncy	Rapp	Renaud	Rosenberg
Running	Spear	Sturgeon	Sullivan
Swartz	Walter	Welsh	Woods

The nays were, 53:

Anderson, J.	Bennett	Branstad	Carpenter
Clark, B. J.	Clark, J. H.	Conlon	Cook
Corey	Crabb	Daggett	Danker
De Groot	Diemer	Egenes	Gross
Halvorson, R. A.	Hansen, I.	Hanson, D.	Harbor
Hoffmann-Bright	Holt	Hummel	Johnson, J.
Johnson, R.	Johnson, W.	Krewson	Lageschulte
Lind	Mann	Maulsby	McKean
Menke	Mullins	Pellet	Petrick
Poffenberger	Pope	Renken	Ritsema
Schnekloth	Schroeder	Shull	Smalley
Smith	Stueland	Swearingen	Tofte
Trucano	Tyrrell	Van Maanen	Welden
Mr. Speaker			

Absent or not voting, 3:

Binneboese	Clements	Howell
------------	----------	--------

The motion lost.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 24, 1982, concurred in the House amendment to the Senate amendment and

passed the following joint resolution in which the concurrence of the Senate was asked:

House Joint Resolution 2003, relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation.

Also: That the Senate has on April 24, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 114, opposing the accelerated decontrol of natural gas prices.

Also: That the Senate has on April 24, 1982, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 143, proclaiming April, 1982, as the fourth annual "Reading Month in Iowa".

Also: That the Senate has on April 24, 1982, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2090, a bill for an act relating to the hours of laboratory instruction required for a completion of a driver education course.

Also: That the Senate has on April 24, 1982, adopted the conference committee report and passed House File 2250, a bill for an act to permit the revision of the hours of operations and services required of businesses to qualify for gas, food and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system.

Also: That the Senate has on April 23, 1982, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2334, a bill for an act relating to railroad property.

Also: That the Senate has on April 23, 1982, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2339, a bill for an act to prohibit bail following conviction of a forcible felony.

Also: That the Senate has on April 23, 1982, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 2426, a bill for an act relating to procedures for involuntary commitment or treatment of substance abusers.

Also: That the Senate has on April 24, 1982, passed the following bill in which the

concurrence of the Senate was asked:

House File 2483, a bill for an act relating to the applicability of the certificate of need program.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2479, a bill for an act to disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2485, a bill for an act to allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2486, a bill for an act to provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2489, a bill for an act to legalize the proceedings of the Estherville community school board relating to the sale of land.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2490, a bill for an act relating to funds deposited by public entities in banks or bank offices.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2491, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the House is asked:

House File 2493, a bill for an act relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures.

Also: That the Senate has on April 23, 1982, passed the following bill in which the

concurrence of the Senate was asked:

House File 2494, a bill for an act appropriating funds to the state conservation commission for capital expenditures and land acquisition.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2495, a bill for an act relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions.

Also: That the Senate has on April 24, 1982, passed the following bill in which the concurrence of the Senate was asked:

House File 2499, a bill for an act to legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation.

Also: That the Senate has on April 24, 1982, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 138, providing for adjournment of the 1982 Session of the Sixty-ninth General Assembly.

Also: That the Senate has on April 24, 1982, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2153, a bill for an act relating to the state sales, services, and use taxes by exempting various materials used as a carrier for light-sensitive emulsions.

Also: That the Senate has on April 23, 1982, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2300, a bill for an act relating to regulation of financial institutions.

Also: That the Senate has on April 23, 1982, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2305, a bill for an act to allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date.

K. MARIE THAYER, Secretary

REMARKS BY THE SPEAKER

Speaker Stromer offered the following remarks:

This Sixty-ninth General Assembly of the Iowa legislature will soon be history and this body will have completed two years of hard, deliberative work. You should be

proud of your achievements.

First, I want to thank you all for the privilege and honor to serve as your Speaker for the past two years. To have been associated with the ninety-nine other dedicated and sincere members of this body has been gratifying. I would like to thank each of you for your great contributions.

It is the contributions of the individuals that collectively make this body so great.

Every legislature needs ONE...and probably only ONE...LaVerne Schroeder to make sure everything is properly amended, ...only ONE Kyle Hummel to make sure that everyone understands everything that's in the bill, ...only ONE Clay Spear to make sure that everything is grammatically correct, ...only ONE Beje Clark to make sure everything rhymes, ...only ONE Phil Tyrrell to make sure the "dirty thirty" wishes were known, ...only ONE Bill Harbor to give us a weekly report of the feats of the Iowa Hawkeyes, ...only ONE Don Avenson for weekly admonitions for the Majority Party's lack of fiscal responsibility...and the list could go on and on. Each of you has been important to the finished product.

Each and every one of you contributes to the system — that's what makes it so great.

I would like to personally thank this great staff that helps to make this place really "click". You are an important part of our operation.

Some of you will move on to higher offices. We wish you success in that effort.

Several of you are not seeking re-election. We thank you for the time you have given to the state of Iowa.

Many of you will return. Reapportionment will bring new faces.

The process will go on with or without us. There is no doubt about that. That's probably what makes serving here so unique.

The friendships you find here are probably some of the most lasting you will ever make in your life. The challenges that you face are some of the most difficult you will ever encounter.

But through it all, the Iowa legislature, with all of its faults, is one of the most deliberative bodies in the world.

God Bless You.

REMARKS BY MAJORITY LEADER

Representative Pope offered the following remarks:

Mr. Speaker, members of the House:

This is not the time to catalog the events or the accomplishments of this General

Assembly. That will be done by others at another time and another place.

I would like to say to all of the members of the House that it has been a singular honor to me to serve in this body for the last four years. This place is a family. It will always remain a family, and everybody who once serves in it is, I think, a part of that family forever.

There will be other General Assemblies. There will be different people serving in those General Assemblies.

I think that there is much that we have done for which we can be proud, and I congratulate you all for your efforts.

Thank you, Mr. Speaker.

REMARKS BY THE MINORITY LEADER

Representative Avenson offered the following remarks:

Mr. Speaker, Ladies and Gentlemen:

As the Minority Leader for the Democratic Party in the Iowa House I wish to tell you that no matter what — despite our differences, — I hope tonight when we leave this chamber we recognize that we are all doing our jobs, both parties doing their jobs and each one of us individually doing our jobs.

I respect each and every one of you tremendously for the sacrifice you make, the time that it takes, the sacrifices that your families make and the effort you all make yourself.

Thank you very much for everything that you have done for me.

Thank you very much for being such wonderful people.

HOUSE CONCURRENT RESOLUTION 152 By Howell, Binneboese, Davitt and Cochran

- 1 *Whereas*, agriculture is Iowa's most important industry;
- 2 and
- 3 *Whereas*, the production, processing, and distribution
- 4 of agricultural products constitutes the major industry
- 5 of this state which not only provides employment and a
- 6 means of livelihood for a substantial portion of the
- 7 population of Iowa, but provides a stable and much needed
- 8 revenue base for state and governmental subdivisions; and
- 9 *Whereas*, low commodity prices have caused loss of in-
- 10 come to those directly engaged in agriculture and an
- 11 economic emergency now exists; and
- 12 *Whereas*, the depressed income of agricultural producers
- 13 has resulted in a decrease in the number of producers, is

14 a deterrent to young persons entering agriculture, impacts
15 adversely on rural communities, and creates economic
16 instability to both the public and private sector; *Now*
17 *Therefore,*
18 *Be It Resolved by the House of Representatives, the*
19 *Senate Concurring,* That an interim study committee consisting
20 of members of the house and senate agriculture committees
21 be convened to explore the possible establishment of an
22 Interstate Grain Compact which would set minimum grain
23 prices; that the committee shall seek to establish minimum
24 prices for all major grains produced within these states
25 at a level that would assure cost of production plus a
26 reasonable profit; that the committee shall be composed
27 of three house members and three senate members of the
28 majority party from the agriculture committees, and two
29 house members and two senate members of the minority
30 party from the agriculture committees; and that the committee

Page Two

1 shall select its own chairperson; and
2 *Be It Further Resolved,* That the committee shall:
3 1. Contact all other grain producing states and
4 hold discussions with them for the formation of an
5 interstate grain compact.
6 2. Draw up legislation with other grain producing
7 states for formulating an interstate grain compact. Such
8 legislation shall also establish an interstate grain com-
9 pact governing board and spell out the powers of the board
10 that will ensure input by the member states and smooth
11 operation of the grain compact.
12 3. Develop a plan based on the provisions of this
13 resolution and consistent with the long term goals for the
14 state of Iowa.
15 4. Report its plan to the general assembly no later
16 than January 20, 1983.

HOUSE CONCURRENT RESOLUTION 153

By Welsh, Crabb and Lind

1 *Whereas,* a study of the issuance of state-owned
2 vehicles to state administrative personnel could result
3 in more efficient use of vehicles and significant cost-
4 savings to the state of Iowa; and
5 *Whereas,* a study of practice of permanent assignment
6 of vehicles to state administrative personnel in
7 comparison to assignment of vehicles temporarily from
8 a car pool could also indicate areas of cost-savings

- 9 and efficiencies; *Now Therefore,*
10 *Be It Resolved by the House of Representatives, the*
11 *Senate Concurring,* That the legislative council consider
12 directing the legislative fiscal bureau to conduct an
13 evaluation of the vehicle dispatcher's office of the
14 department of general services to determine the
15 efficiency and effectiveness of vehicle assignments and
16 use by state agencies.

ADOPTION OF SENATE CONCURRENT RESOLUTION 138

Pope of Polk asked and received unanimous consent for the immediate consideration of Senate Concurrent Resolution 138 as follows, and moved its adoption:

SENATE CONCURRENT RESOLUTION 138

By Hultman and Junkins

- 1 *Be It Resolved By The Senate, The House Of*
2 *Representatives Concurring,* That when adjournment is
3 had on Saturday, April 24, 1982, it be the final adjourn-
4 ment of the 1982 Regular Session of the Sixty-ninth
5 General Assembly.

The motion prevailed and the resolution was adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 23, 1982, he approved and transmitted to the Secretary of State the following bills:

House File 2387, an act relating to county government by making amendments which are required for accuracy or to reconcile the County Home Rule Act and other laws or to implement the legislative intent of the County Home Rule Act.

House File 2388, an act repealing the provision that area education agencies must obtain approval from the State Board of Public Instruction before purchase or lease of equipment or facilities for media production or reproduction, and the requirement that area education agencies must contract with the State Educational Radio or Television Facility Board for television production, television transmission, or closed circuit television transmission.

House File 2427, an act to legalize the action of the Board of Supervisors of Dubuque County reprecincting Cascade and Whitewater townships effective upon publication.

House File 2429, an act relating to the use of Chapter 663A of the Code by persons convicted of, or sentenced for, a public offense.

House File 2441, an act requiring the Department of Social Services to study and recommend a proposal relating to elderly independent group homes.

Senate File 26, an act requiring owners of motor vehicles to identify the drivers of the vehicles to peace officers, and providing a penalty.

Senate File 2220, an act repealing a Code provision requiring the Iowa Commerce Commission to hold a special hearing to determine if charges payable by the state or an agency of the state for communications services are reasonable.

Senate File 2247, an act to authorize the establishment of nonprofit foundations by the boards of area schools.

Senate File 2260, an act relating to coal mining.

Senate File 2264, an act to provide that certain volunteer firefighters and operators of ambulances and rescue vehicles shall not be classified as chauffeurs when operating fire apparatus, ambulances, or rescue vehicles.

Senate File 2268, an act authorizing the Department of Public Safety to disseminate criminal history data to the Department of Social Services for the purposes of licensing and hiring of personnel for child foster care facilities and child care centers, and providing penalties.

Senate File 2270, an act relating to changes in the rules of civil procedure proposed by the Supreme Court.

Senate File 2274, an act amending certain provisions of the 1981 Mental Health Reorganization Act and related Code sections relating to the prospective repeal of the act and the definition of mental health services.

Senate File 2278, an act relating to obscenity offenses and providing penalties.

Senate File 2294, an act to legalize the proceedings of the Board of Supervisors of Lee County relating to the purchase of property at a scavenger tax sale and subsequent conveyance of the property.

Also: That on April 24, 1982, he approved and transmitted to the Secretary of State the following bill:

Senate File 2091, an act relating to motor vehicle fuel, including provisions relating to ethanol blended motor vehicle fuel, and increasing the rate of the excise tax on gasohol, providing an excise tax on ethyl alcohol used by motor vehicles, requiring motor fuel distributors to receive a certain percentage of ethanol, and providing a penalty.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 23, 1982. Had I been present, I would have voted "aye" on House Files 2090, 2479, 2495, 2498, amendment H—5996 to Senate File 2304, Senate File 2304 and 2309; "nay" on the motion to table House File 2498 and amendment H—6053 to House File 2498.

SMITH of Scott

I was necessarily absent from the House chamber for a portion of the day on April 23, 1982. Had I been present, I would have voted "aye" on amendment H—6015 to Senate File 2304.

STUELAND of Clinton

I was necessarily absent from the House chamber for a portion of the day on April 24, 1982. Had I been present, I would have voted "aye" on the conference committee report on Senate File 2245 and on final passage of Senate File 2245.

COREY of Louisa

SUBCOMMITTEE ASSIGNMENTS

House File 2485

Transportation: Danker, Chair; Lageschulte and Binneboese.

House File 2489

Judiciary and Law Enforcement: Ritsema, Chair; Welsh and Conlon.

Senate File 2300

Commerce: Schroeder, Chair; Johnson of Linn, Chiodo, Bruner, Jochum, Halvorson of Clayton and Hummel.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1982-33	Troy Murphy — Eagle Scout Award
1982-34	Kent D. Efnor — Eagle Scout Award
1982-35	City of Neola — Centennial

1982-36	City of Oakland — Centennial
1982-37	City of Defiance — Centennial
1982-38	Jim Storey — "Big Brother of the Year"
1982-39	City of Portsmouth — Centennial
1982-40	Royal Spragg — Eagle Scout Award
1982-41	City of Underwood — Centennial
1982-42	City of Clearfield — Centennial
1982-43	City of Corning — One hundred twenty-fifth anniversary
1982-44	City of Redding — Centennial
1982-45	City of Yorktown — Centennial

ELIZABETH A. ISAACSON
Chief Clerk of the House

AMENDMENTS FILED

H—6061	S.C.R. 128	Johnson of Linn Tyrrell of Iowa Branstad of Winnebago
H—6064	H.F. 804	Schroeder of Pottawattamie
H—6068	H.F. 2497	Senate Amendment

The House stood at ease at 11:10 p.m., until the fall of the gavel.

The House reconvened, Speaker Stromer in the chair.

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

By virtue of final adjournment, the following motions to reconsider filed are no longer valid:

By Swartz of Marshall to House File 2452, a bill for an act relating to the cost of legalizing bills, filed on March 22, 1982.

By Norland of Worth to Senate File 452, a bill for an act relating to private fish hatcheries, filed on April 7, 1982.

By Daggett of Taylor to Senate File 2146, a bill for an act to increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication filed on April 5, 1982.

By Schroeder of Pottawattamie to Senate File 2040, a bill for an act requiring warning notices to be included in ureaformaldehyde foam insulation contracts and providing a penalty, filed on March 30, 1982.

By Doderer of Johnson to House File 2498, a bill for an act to reduce increases in salary rates or ranges and related benefits for state officers, and public officers and employees whose salaries and related benefits are funded by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 9, by twenty-five percent for the fiscal year beginning July 1, 1982, filed on April 23, 1982.

COMMITTEE TO NOTIFY THE GOVERNOR

Menke of O'Brien moved that a committee of three be appointed to notify the Governor that the House was ready to adjourn in accordance with Senate Concurrent Resolution 138.

The motion prevailed and the Speaker appointed as such committee: Menke of O'Brien, Welden of Hardin and Connors of Polk.

COMMITTEE TO NOTIFY THE SENATE

Carpenter of Polk moved that a committee of three be appointed to notify the Senate that the House was ready to adjourn in accordance with Senate Concurrent Resolution 138.

The motion prevailed and the Speaker appointed as such committee: Carpenter of Polk, Dieleman of Marion and Schnekloth of Scott.

COMMITTEE FROM THE SENATE

The committee from the Senate appeared and notified the House that the Senate was ready to adjourn.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

The committee appointed to notify the Senate that the House was ready to adjourn returned and reported it had performed its duty.

The report was received and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

The committee appointed to notify the Governor that the House was ready to adjourn returned and reported it had performed its duty and the Governor had sent the following message:

OFFICE OF THE GOVERNOR
State Capitol
Des Moines, Iowa 50319

The Honorable Delwyn Stromer
Speaker of the House
Sixty-ninth General Assembly
State Capitol Building
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

Thirteen years ago, almost to this very day, I submitted my first "end of the session" statement to an Iowa legislature. Today, as you return to formally adjourn the Second Session of the Sixty-ninth General Assembly, I submit my last such statement.

In 1969, I submitted to the legislature a comprehensive program which addressed major issues then facing the state and plotted a future for Iowa's growth. Likewise, in January of this year, I outlined to you a legislative program which responded to a broad range of present and future needs in our state. In 1982, as in 1969, the legislature is to be commended for enacting, with a few exceptions, much of my agenda into law.

But, there are limits to the similarities. The job of legislating and of governing was far different in 1969 than it is in 1982. The last year of the 1960s heralded a decade of unprecedented economic growth in Iowa and the nation. The first two years of the 1980s have seen the nation beset with a lingering economic recession, and here in Iowa we have felt its impact.

Thus, our task has not been to develop lots of new programs, but to set priorities, to further the efficiency of government, and to steer our state through stormy fiscal waters.

Ours has not been an easy task. It was not always easy to say "no" to new programs. It was not easy to reduce the state payroll by over 1,200, while maintaining the integrity of state services. It was not easy to find ways to plug the gaps left by lost federal funds. While none of this was easy, we met the test and, unlike people elsewhere, Iowans were spared a major tax increase.

This legislature faced the challenge of governing and the results must be termed a success for Iowans. Our budget balance is small, but we do have a balance—we are in the black. Iowans who need our help were provided for. And, we enhanced Iowa's ability to attract new jobs and economic growth when the economy starts to regain its strength.

The record of the 1982 legislature demonstrates that achievement and innovation are possible even during a time of economic frustration and uncertainty. That record can be examined in detail by reviewing the seven major priorities in my legislative program.

CREATING JOBS FOR IOWA WORKERS

The legislature acted wisely in quickly passing the job incentive tax reduction. The seventy percent real property tax reduction for new machinery and equipment, adoption of the accelerated depreciation schedule, and continuation of the personal property tax phaseout provides immediate and substantial incentives for Iowa businesses to expand, retool and to create new jobs. It also puts Iowa in the forefront in national competition to attract new businesses.

While I disagreed with the legislative decision to fund the unneeded IRA and Keogh tax breaks, I commend the legislature for making certain that the jobs tax package was balanced and affordable.

The legislature also responded to the need to create more Iowa jobs by enacting my small business bond program to aid small businesses starting up or expanding. The One-Step Permit Center and the Risk Capital Clearinghouse created in the Iowa Development Commission will help businesses work with government to create new jobs. And, the funding provided for industrial start-up training will assist Iowa workers to respond to the needs of new and expanding industries.

PROVIDING FOR IOWANS WHO NEED OUR HELP

Before the session began, many lawmakers feared that drastic program reductions or major tax increases would be needed to respond to federal budget cuts in many of our social programs. Indeed, we were faced with a \$12.5 million federal budget cut in Title XX and a \$28.5 million deficit in Medicaid as we began this year.

After completion of this session, you can take great pride in your response to those problems. You did not cut the eligibility of Iowans who need more help now during a recession than they did before. Instead, you trimmed costs by making Iowa's reimbursement system more efficient, and you set budget priorities to supplement these programs with almost \$34 million in state funds.

In addition, the legislature acted responsibly by:

- Expanding our energy weatherization program for low-income Iowans.
- Continuing the Ribicoff program which provides medical assistance for children of the working poor.
- Reinstating the unemployed-parent program with safeguards to make certain that recipients actively seek work and are provided with community service training, and
- Increasing the standard of need for Iowans by fifteen percent.

Earlier this year, few would have thought this legislature would be able to meet these essential needs of Iowans within tight budget constraints. But, it was done, and I commend you for the excellent work.

OPENING NEW FRONTS IN WAR ON CRIME

With one major exception, this legislature responded well to the need for a crackdown on crime. I am pleased to see so many of the recommendations which grew out of last year's Governor's Conference on Crime Prevention adopted into law.

The drunk driving bill adopted this year is among the toughest in the nation. The ability to revoke the drivers license of drunk drivers should make our highways much safer for our law-abiding motorists.

The drug trafficking legislation enacted into law will give our good law enforcement officials new tools to thwart drug dealers. Drug fines will be stiffened, drug profits seized and counterfeit and look-alike drugs outlawed.

I am also pleased with legislative action:

- Creating a Criminal Justice Improvement Fund to help local law enforcement officials fight crime.
- Toughening penalties for attempted and second degree murder.
- Creating an Office of Criminal Justice Analysis to coordinate and plan criminal justice activities.
- Establishing a victim compensation program to help persons least able to suffer the financial and physical losses associated with crime.
- Starting an elderly abuse reporting and support services system in Iowa.
- Taking the first steps to curb child abuse through pilot child abuse prevention programs.

These are noteworthy achievements. Also noteworthy was the failure to adopt a Classified Sentencing System. I had proposed such a system after considerable study by criminal justice experts. These experts found a need to make inmates earn good and honor time and to make our criminal sentencing more predictable by determining sentence length on the basis of the number and nature of prior convictions. This would result in placing most serious, repeat felons behind bars longer while shortening the sentences of first-time nonviolent offenders. While this concept enjoyed bipartisan support from House members who passed it twice, last hour political jockeying in the Senate prevented it from becoming law.

This failure blemishes an otherwise sterling criminal justice record by this legislature. It is imperative that the next General Assembly address this important issue early next year.

PROTECTING IOWA'S NATURAL RESOURCES

Iowa is among the nation's leaders in protecting our land and water resources. Yet, much more must be done, and this legislature took several significant steps to advance Iowa's leadership role.

You passed the nation's first state soil conservation loan program which will help stretch soil conservation dollars further. A land use bill, among the strongest in the nation, was finally enacted. This law will give counties the tools they need to begin to plan in earnest for our comprehensive land use needs. And, you passed a major water management and reorganization plan to place Iowa in the forefront of national efforts to come to grips with future water quality and quantity problems.

Other important steps taken by this legislature include:

- Reinstating our safe drinking water program.
- Providing passive solar property tax exemptions.
- Establishing water storage rights in federal reservoirs.
- Allowing Iowans to check off a portion of their tax refunds for nongame wildlife management.
- Providing property tax exemptions for wetlands, native prairie and other natural areas.

STREAMLINING STATE GOVERNMENT

Steps were also taken by this legislature to make state government even more efficient. Three separate historical units in state government have been consolidated into one Historical Department. The Office for Planning and Programming has been restructured to more closely focus its purpose, and youth programs have been consolidated to maintain job opportunities for our youth despite federal budget cutbacks. And, the Valuable Ideas for Productivity (VIP) program was enacted into law.

Unfortunately, the legislature failed to consolidate state personnel functions this year. Personnel costs of state government can be contained by consolidating these functions and future legislatures should address this issue.

ASSISTING LOCAL GOVERNMENTS

This legislature also addressed the problems facing local governments by federal funding changes and increased demands for services. An Advisory Commission on Intergovernmental Relations was established, and counties were not left to make up for the loss of federal funds for social programs.

Yet, on three key issues this legislature's response to local problems was disappointing. First, local option tax authority should have been passed to allow local

residents to determine whether they wish to levy a tax on themselves to provide for needed services. Second, the county finance bill would have given counties the flexibility they need to meet the challenges of modern government. And third, a court reorganization plan to relieve counties of the burden of administering the court system should have been adopted. These issues, too, will not go away. They should be promptly acted upon next year.

AIDING EDUCATION

Iowans are fortunate to live in a state that emphasizes quality education, and this legislature showed a renewed commitment to quality education, despite tight budgets.

- Local schools were given an additional \$28 million in state aid and authority to levy an unlimited cash reserve.
- Nonpublic transportation costs were fully funded.
- Merged area schools were provided funds to make five hundred additional vocational-technical grants.
- Our Regents institutions received dollars for increased faculty and utilities and were allowed to retain the tuition increase. Unfortunately, a bonding plan for a much-needed new law school at the University of Iowa was discarded during the final hours of the session.
- Private colleges will be able to make five hundred eighty-five more tuition grants available to eligible students and a Higher Education Loan Authority was established to help cushion the impact of federal student aid cuts.

Thus, this legislature's record in creating jobs, providing for those who need help, cracking down on crime, protecting our natural resources, streamlining state government, assisting local governments, and increasing aid to education is impressive in both quantity and quality. And, there are other highlights, including:

- A responsible resolution to the gasohol subsidy question by extending while gradually phasing out the subsidy.
- Reducing lines at county treasurers' offices by requiring staggered vehicle registration.
- Continuing the Department of Substance Abuse and Energy Policy Council.
- Responding to the immediate needs of our unemployment trust fund by providing a mechanism to repay interest on any loans that may be needed.

- Reasonably increasing pension benefits for public employees, which, as modified by my item veto, will not mandate a contribution rate increase by financially strapped local governments.

Indeed, this legislature, for the most part, met the test of Iowa government as outlined by our first Governor, Ansel Briggs in 1850, and echoed by me in my first legislative program thirteen years ago. That test is simple—that Iowa government "ever be distinguished for virtue, intelligence and prosperity."

By responding to the broad range of needs of Iowans during a time of budget constraints without raising taxes, the Sixty-ninth General Assembly acted with virtue and intelligence so Iowa's future prosperity will be secured.

Thank you and best regards.

Sincerely,
Robert D. Ray
Governor

The report was received and the committee discharged.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills and resolution have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24th day of April, 1982: House Joint Resolution 2003; House Files 303, 748, 777, 796, 800, 828, 844, 855, 858, 861, 2090, 2111, 2218, 2240, 2250, 2334, 2339, 2340, 2344, 2346, 2351, 2353, 2355, 2357, 2360, 2362, 2363, 2368, 2369, 2393, 2395, 2396, 2398, 2405, 2407, 2409, 2411, 2424, 2426, 2430, 2435, 2437, 2442, 2446, 2453, 2460, 2463, 2464, 2474, 2475, 2476, 2477, 2478, 2479, 2482, 2483, 2484, 2485, 2486, 2489, 2490, 2491, 2493, 2494, 2495 and 2499.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Report adopted.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 138, duly adopted, the day of May 26, 1982 having arrived, the Speaker of the House of Representatives declared the 1982 Regular Session of the Sixty-ninth General Assembly adjourned sine die at 10:24 a.m.

AMENDMENTS FILED

Amendments filed during the Sixty-ninth General Assembly, 1982 Session, not otherwise printed in the House Journal.

H-5001

- 1 Amend House File 2020, as follows:
- 2 1. Page 1, by striking lines 22 and 23 and
- 3 inserting in lieu thereof the following: "the child,
- 4 provided the period shall not be less than two hundred
- 5 seventy days for conviction as defined in this
- 6 section".
- 7 2. Page 1, line 25, by striking the words "two
- 8 hundred forty" and inserting in lieu thereof the words
- 9 "three hundred sixty-five".
- 10 3. Page 1, line 27, by striking the words "one
- 11 year" and inserting in lieu thereof the words "four
- 12 hundred eighty-five days".

JOHNSON of Linn

H-5002

- 1 Amend House File 2059 as follows:
- 2 1. Page 2, line 7, by striking the word "ninety-
- 3 one" and inserting in lieu thereof the word "ninety".
- 4 2. Page 2, line 10, by striking the word "eighty-
- 5 eight" and inserting in lieu thereof the word "ninety".
- 6 3. Page 2, line 13, by striking the word "ninety"
- 7 and inserting in lieu thereof the word "eighty-nine".

SCHROEDER of Pottawattamie

H-5004

- 1 Amend House File 2073 as follows:
- 2 1. Page 3, by inserting after line 22 the
- 3 following:
- 4 "Sec. . Section 422.52, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION.** When a return is filed and the
- 7 taxes due are paid in full on or before the due date
- 8 prescribed in section 422.51, the retailer shall be
- 9 allowed a credit or discount of two percent of sales
- 10 tax due. This credit or discount shall be allowed
- 11 the retailer for prompt payment of the tax and as
- 12 partial remuneration for collecting the tax, keeping
- 13 the records, and promptly filing the returns required
- 14 by this chapter."

- 15 2. By numbering, renumbering and correcting
16 internal references as necessary.

TYRRELL of Iowa

H-5006

- 1 Amend the Senate amendment, H-3828, to House File
2 804 as amended, passed and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 26 the
5 following:
6 " . Page 3, by inserting after line 16 the
7 following:
8 "Sec. . Section 98A.2, subsection 6, Code 1981,
9 is amended to read as follows:
10 6. A public building owned by or under the control
11 of this state or any of its political subdivisions,
12 other than a state liquor store, and except in areas
13 designated by the controlling governmental body,
14 officer, or agency as smoking areas."
15 2. By numbering and renumbering sections and
16 correcting internal references as necessary.

JOHNSON of Linn

H-5008

- 1 Amend amendment H-3832 to Senate File 277, as
2 follows:
3 1. Page 1, line 12, by striking the word "are"
4 and inserting in lieu thereof the word "were".

SPEAR of Lee

H-5009

- 1 Amend amendment H-3832, to Senate File 277, as
2 follows:
3 1. Page 1, line 11, by inserting after the word
4 "industry" the words "in this state".

SPEAR of Lee

H-5010

- 1 Amend House File 2002 as follows:
2 1. Page 1, by striking lines 3 through 9 and
3 inserting in lieu thereof the following:
4 "NEW SECTION. 321.467 DECREASED LOADING CAPACITY-
5 REREGISTRATION. When the ownership of a motor truck,

6 truck tractor or road tractor is transferred before
 7 payment of the second installment of the registration
 8 fee as provided in section 321.134, the new owner
 9 may, at the time of payment of the second installment
 10 of the fee, reduce the gross load of the vehicle to
 11 a lower gross weight classification by payment of
 12 one-half of the annual fee for the lower gross weight.
 13 However, no reduction in the registration fee shall
 14 be allowed after August 1 in any year."
 15 2. Amend the title, line 2, by inserting before
 16 the word "truck" the words "motor trucks,".

COREY of Louisa

H-5011

1 Amend House File 2049 as follows:
 2 1. Page 1, by striking line 1 and inserting in
 3 lieu thereof the following:
 4 "Section 1. Section 199.1, subsection 4, paragraph
 5 a, is amended by adding the following new subparagraph:
 6 NEW SUBPARAGRAPH. (9) Multiflora rose—Rosa
 7 Multiflora.
 8 Sec. 2. Section 317.1, subsections 1 and 2, Code
 9 1981,".
 10 2. By renumbering sections as necessary.

SPEAR of Lee

H-5012

1 Amend the Senate amendment H-3828 to House File
 2 804, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, by inserting after line 9 the follow-
 5 ing:
 6 " . Page 7, by inserting after line 17 the
 7 following:
 8 "Sec. . Section 153A.2, subsection 2, unnumbered
 9 paragraph 1, Code 1981, is amended to read as follows:
 10 Either Any of the following:
 11 Sec. . Section 153A.2, subsection 2, Code 1981,
 12 is amended by adding the following new paragraph:
 13 NEW PARAGRAPH. Six years experience as an
 14 ophthalmic dispenser as defined in section 153A.1,
 15 accompanied by a reference from a physician and
 16 surgeon, osteopath, osteopathic physician and surgeon,
 17 or optometrist licensed to practice in this state." "

HANSEN of O'Brien
O'KANE of Woodbury

H-5013

1 Amend amendment H-3832 to Senate File 277, as
2 follows:

3 1. Page 1, by adding after the period on line
4 14, the following: "However this subsection does
5 not apply to farming operations, nursery operations,
6 an operation which produces a mixture of sand and
7 other components that may be applied to ice or
8 snow covered road surfaces, nor to an operation in-
9 volving reservations for motels and hotels."

SPEAR of Lee

H-5014

1 Amend Senate File 277 as follows:

2 1. Page 3, line 4, by inserting after the
3 word "community," the following: "A person
4 convicted of a forcible felony shall not be eligible
5 to participate in such a program."

CLEMENTS of Scott

H-5020

1 Amend House File 2117 as follows:

2 1. Page 5, by striking line 22 and inserting in
3 lieu thereof the following: "for a period of not
4 less than one two hundred twenty seventy days nor".

JOHNSON of Linn

H-5021

1 Amend House File 2171 as follows:

2 1. Page 7, line 33, by striking the figure "19"
3 and inserting in lieu thereof the figure "20".

4 2. Page 8, line 4, by striking the figure "13".

5 3. Page 8, line 4, by striking the word and figure
6 "and 18" and inserting in lieu thereof the word and
7 figures "18, and 19".

8 4. Page 8, line 7, by striking the word and figures
9 "20, 21, and 22" and inserting in lieu thereof the
10 word and figures "21, 22, and 23".

DODERER of Johnson

H-5022

1 Amend House File 2171 as follows:

2 1. By striking page 3, line 32 through page 4,
3 line 1, and inserting in lieu thereof the following:

- 4 "4. Subtract fifty percent of the first fifty
 5 thousand dollars and twenty percent of the amount
 6 exceeding fifty thousand dollars of the federal income
 7 taxes paid or accrued, as the case may be, during
 8 the tax year, adjusted by any federal income tax
 9 refunds; and add the Iowa income tax deducted in
 10 computing said taxable income."

AVENSON of Fayette
 CHIODO of Polk
 COCHRAN of Webster
 DODERER of Johnson
 BRUNER of Story
 HALL of Linn
 WELSH of Dubuque
 CARL of Poweshiek
 ROSENBERG of Story
 SULLIVAN of Van Buren

NORLAND of Worth
 ANDERSON of Jasper
 GROTH of Buena Vista
 JAY of Appanoose
 HOWELL of Floyd
 CONNOLLY of Dubuque
 PAVICH of Pottawattamie
 LLOYD-JONES of Johnson
 SPEAR of Lee
 DIELEMAN of Marion
 SWARTZ of Marshall

H—5023

- 1 Amend House File 2171 as follows:
 2 1. By striking page 2, line 9 through page 3,
 3 line 8.
 4 2. Renumber sections and correct internal
 5 references as are necessary in accordance with this
 6 amendment.

AVENSON of Fayette
 CHIODO of Polk
 GROTH of Buena Vista
 GETTINGS of Wapello
 DODERER of Johnson
 CONNOLLY of Dubuque
 HALL of Linn
 WELSH of Dubuque
 LLOYD-JONES of Johnson
 ROSENBERG of Story
 SULLIVAN of Van Buren
 BYERLY of Polk

NORLAND of Worth
 ANDERSON of Jasper
 STURGEON of Woodbury
 COCHRAN of Webster
 JAY of Appanoose
 HOWELL of Floyd
 RENAUD of Polk
 PAVICH of Pottawattamie
 CARL of Poweshiek
 SPEAR of Lee
 DIELEMAN of Marion
 SWARTZ of Marshall
 JOCHUM of Dubuque

H—5024

- 1 Amend House File 2171 as follows:
 2 1. Page 4, line 28, by inserting after the word
 3 "property" the words ", provided the taxpayer maintains
 4 or increases the number of employees in the assessor
 5 jurisdiction in which the property is installed.
 6 To claim the limitation on the value of the property,

7 the owner of the property shall file a claim for the
8 limitation with the assessor not later than February
9 1 of the year following the year in which the property
10 was acquired or leased. The claim shall be filed
11 on forms prescribed by the director of revenue. The
12 claim shall be accompanied by certification from the
13 department of revenue to verify that the number of
14 employees employed by the taxpayer in the assessor
15 jurisdiction is equal to or greater than the number
16 of employees employed in the assessor jurisdiction
17 during the four quarters immediately preceding the
18 quarter in which the property was acquired or leased.
19 If the number of employees employed by the taxpayer
20 decreased in the quarter in which the property was
21 acquired or leased as compared to the average
22 employment in the preceding four quarters, the claim
23 shall be denied. If the taxpayer begins a new trade
24 or business during the quarter in which the property
25 is acquired or leased by the taxpayer, the taxpayer
26 shall be deemed to have increased employment".

SWARTZ of Marshall
NORLAND of Worth
ANDERSON of Jasper
LLOYD-JONES of Johnson
CHIODO of Polk

H-5025

1 Amend House File 2171 as follows:

2 1. Page 5, by inserting after line 20 the following
3 new section:

4 "Sec. . NEW SECTION. In addition to the credits
5 allowed under sections 15 and 16 of this Act, a
6 taxpayer who owned or leased property defined in
7 section 427A.1, subsection 1, paragraphs e and j,
8 prior to January 1, 1982, shall receive a credit
9 against the assessed value of the property if the
10 taxpayer increased the number of employees in the
11 assessor jurisdiction in which the property is located.
12 The credit against the assessed value of the
13 property shall be equal to the increase in the actual
14 wages paid to the taxpayer's employees. The amount
15 of the increases in wages paid shall be equal to the
16 difference between the wages paid which are
17 attributable to an increase in employment during the
18 preceding fiscal year beginning July 1 and ending
19 June 30 and the average wages paid during the fiscal
20 year preceding that fiscal year, as certified to the
21 department of revenue. In determining the credit,
22 wage adjustments which include raises and cost-of-

23 living increases shall not be included.

24 The credit shall be allowed in each succeeding
25 year in which the employment level is maintained.
26 If the employment level upon which the original credit
27 is granted increases, the amount of the credit shall
28 be increased.

29 The claim for credit shall be filed annually on
30 or after July 1 and not later than September 30 with
31 the department of revenue. The department shall
32 prescribe the information which the taxpayer shall
33 submit with the claim for credit to determine the
34 amount of the credit.

35 Not later than January 1, the department shall
36 certify to the county auditor the amount of credit
37 a taxpayer shall receive under this section. The
38 credit shall be allowed against the valuations for
39 the preceding year in order to allow the taxpayer
40 to receive the credit against the taxpayer's valuations
41 for determining property taxes due for the fiscal
42 year beginning July 1.

43 The amount of credit granted to a taxpayer shall
44 not exceed the taxpayer's valuation of property defined
45 in section 427A.1, subsection 1, paragraphs e and
46 j, acquired prior to January 1, 1982.

47 On or before July 1, the county auditor shall
48 prepare a statement listing for each taxing
49 jurisdiction in the county the amount of the exempt
50 value allowed under this section and the tax levy

Page 2

1 rate levied against the valuation and certify and
2 forward one copy of the statement to the state
3 comptroller. The amount of the credit shall be paid
4 as provided in section 17 of this Act from funds
5 appropriated under section 18 of this Act."

6 2. Renumber sections and correct internal
7 references as are necessary in accordance with this
8 amendment.

BYERLY of Polk

H-5029

1 Amend House File 2171 as follows:

2 1. Page 1, by striking lines 20 through 30.

3 2. Page 6, by inserting after line 6 the following
4 new section:

5 "Sec. 20. Acts of the Sixty-ninth General Assembly,
6 1981 Session, chapter 132, section 4, is amended to
7 read as follows:

8 SEC. 4. Section 422.7, Code 1981, is amended by
9 inserting after subsection 8 the following new
10 subsection:

11 NEW SUBSECTION. The combined exclusion of interest
12 and dividend income provided by section 116(a) of
13 the Internal Revenue Code of 1954, as amended up to
14 and including January 1, 1981, is not applicable in
15 computing Iowa net income for tax years beginning
16 before January 1, 1982. Instead, each individual
17 may exclude not more than one hundred dollars of
18 income received as dividends from domestic corporations
19 as provided by section 116(a) of the Internal Revenue
20 Code of 1954, as amended up to and including January
21 1, 1980. For tax years beginning on or after January
22 1, 1982, the combined exclusion of interest and
23 dividend income provided by section 116(a) of the
24 Internal Revenue Code of 1954, as amended up to and
25 including January 1, 1981, is applicable in computing
26 Iowa net income."

27 3. Page 6, line 8, by striking the words and
28 figures "sections 4 and 5, are" and inserting in lieu
29 thereof the words and figure "section 5, is".

30 4. Page 7, line 33, by striking the word and
31 figure "and 19" and inserting in lieu thereof the
32 word and figures "19, and 20".

33 5. Renumber sections and correct internal
34 references as are necessary in accordance with this
35 amendment.

BRUNER of Story
CONNOLLY of Dubuque

H-5030

1 Amend House File 2171 as follows:

2 1. Page 4, by inserting after line 31 the
3 following:

4 "For purposes of sections 15 to 19 of this Act:

5 1. Property assessed by the department of revenue
6 pursuant to sections 428.24 to 428.29, or chapters
7 433, 434 and 436 to 438 shall not receive the benefits
8 of sections 15 to 19 of this Act.

9 2. Property acquired before January 1, 1982 which
10 was owned or used before January 1, 1982 by a related
11 person shall not receive the benefits of sections
12 15 to 19 of this Act.

13 3. Property acquired on or after January 1, 1982
14 which was owned and used by a related person shall
15 not receive any additional benefits under sections
16 15 to 19 of this Act.

17 4. Property which was owned or used before January

18 1, 1982 and subsequently acquired by an exchange of
19 like property shall not receive the benefits of
20 sections 15 to 19 of this Act.

21 5. Property which was acquired on or after January
22 1, 1982 and subsequently exchanged for like property
23 shall not receive any additional benefits under
24 sections 15 to 19 of this Act.

25 6. Property acquired before January 1, 1982 which
26 is subsequently leased to a taxpayer or related person
27 who previously owned the property shall not receive
28 the benefits of sections 15 to 19 of this Act.

29 7. Property acquired on or after January 1, 1982
30 which is subsequently leased to a taxpayer or related
31 person who previously owned the property shall not
32 receive any additional benefits under sections 15
33 to 19 of this Act.

34 8. Property acquired in a transaction with the
35 principal purpose of benefiting from sections 15 to
36 19 of this Act is excluded from obtaining the benefits
37 of sections 15 to 19 of this Act.

38 For purposes of this section, "related person"
39 means a person who owns or controls the taxpayer's
40 business and another business entity from which
41 property is acquired or leased or to which property
42 is sold or leased. Business entities are owned or
43 controlled by the same person if the same person
44 directly or indirectly owns or controls fifty percent
45 or more of the assets or any class of stock or who
46 directly or indirectly has an interest of fifty percent
47 or more in the ownership or profits."

SHULL of Warren
SCHNEKLOTH of Scott

H-5032

1 Amend House File 2171 as follows:

2 1. Page 3, by inserting after line 8 the following
3 new section:

4 "Sec. 8. Section 422.7, Code 1981, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. The exclusion of a qualified
7 reinvested dividend under section 305(e) of the
8 Internal Revenue Code of 1954 is not applicable in
9 computing Iowa net income for tax years beginning
10 on or after January 1, 1982. The amount of any
11 qualified reinvested dividend shall be included in
12 Iowa net income by the taxpayer in the tax year in
13 which the dividend is reinvested."

14 2. Page 7, line 33, by inserting after the figure
15 "7," the figure "8,".

16 3. Renumber sections and correct internal
17 references as are necessary in accordance with this
18 amendment.

DODERER of Johnson
RAPP of Black Hawk
BRUNER of Story

H-5034

1 Amend House File 2171 as follows:
2 1. Page 2, by inserting after line 1 the following
3 new section:
4 "Sec. 5. Section 422.7, Code 1981, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. The deduction allowed under section
7 162 (h) of the Internal Revenue Code of 1954 is not
8 applicable in computing Iowa net income for any tax
9 year beginning on or before December 31, 1980. The
10 deduction allowed under section 604 of the tax reform
11 Act of 1976, as amended up to and including December
12 31, 1980, is allowable in computing Iowa net income,
13 for tax years beginning on or before December 31,
14 1980, under provisions effective for the year for
15 which the return is made. The deduction allowed under
16 section 162(h) of the Internal Revenue Code of 1954
17 is not applicable in computing Iowa net income for
18 any tax year beginning on or after January 1, 1981.
19 The deduction allowed under section 604 of the tax
20 reform Act of 1976, as amended up to and including
21 December 31, 1980, is allowable in computing Iowa
22 net income for tax years beginning on or after January
23 1, 1981. The maximum allowable deduction, other than
24 for travel expense, shall not exceed the per day
25 expense of office as allowed under section 2.10,
26 subsection 1, where the taxpayer elects on the Iowa
27 return to be governed by section 604 of the tax reform
28 Act of 1976, as amended up to and including December
29 31, 1980 and shall not exceed fifty dollars per day
30 where the taxpayer itemizes expenses."
31 2. Page 7, line 30, by inserting after the figure
32 "4," the figure "5."
33 3. Renumber sections and correct internal
34 references as are necessary in accordance with this
35 amendment.

HANSON of Delaware
POFFENBERGER of Dallas
HUMMEL of Benton
ANDERSON of Audubon

SMITH of Scott
MULLINS of Kossuth
TRUCANO of Polk
TYRRELL of Iowa
RENKEN of Grundy

BRANSTAD of Winnebago
McKEAN of Jones
PELLETT of Cass
COOK of Hardin
MANN of Greene

MAULSBY of Calhoun
SMALLEY of Polk
STUELAND of Clinton
VAN MAANEN of Mahaska
DAGGETT of Taylor
DE GROOT of Lyon

H-5037

- 1 Amend amendment H-5030 to House File 2171 as follows:
- 2 1. Page 1, by striking lines 34 through 37.

SHULL of Warren

H-5038

- 1 Amend House File 2171 as follows:
- 2 1. Page 3, by inserting after line 13 the
- 3 following:
- 4 "Sec. 40. Section 422.9, subsection 2, Code 1981,
- 5 is amended by adding the following new lettered
- 6 paragraph:
- 7 NEW LETTERED PARAGRAPH. Subtract the amounts
- 8 deducted as a result of the treatment provided lease
- 9 agreements under section 168(f)(8) of the Internal
- 10 Revenue Code of 1954 to the extent that the amounts
- 11 deducted are not otherwise deductible under the
- 12 provisions of the Internal Revenue Code of 1954."
- 13 2. Page 4, by inserting after line 10 the
- 14 following:
- 15 "Sec. 50. Section 422.35, Code 1981, is amended
- 16 by adding the following new subsection:
- 17 NEW SUBSECTION. Add the amounts deducted as a
- 18 result of the treatment provided lease agreements
- 19 under section 168(f)(8) of the Internal Revenue Code
- 20 of 1954 to the extent that the amounts deducted are
- 21 not otherwise deductible under other provisions of
- 22 the Internal Revenue Code of 1954."
- 23 3. Page 8, by inserting after line 9 the follow-
- 24 ing:
- 25 "Sec. . Sections 40 and 50 of this Act are
- 26 retroactive to January 1, 1981 for tax years ending
- 27 on or after January 1, 1981."
- 28 4. By renumbering as necessary.

RAPP of Black Hawk
BRUNER of Story

H-5039

- 1 Amend House File 2171 as follows:
2 1. Page 3, by inserting after line 8 the following
3 new section:
4 "Sec. 8. Section 422.7, Code 1981, is amended "
5 by adding the following new subsection:
6 NEW SUBSECTION. The deductions allowed for living
7 expenses to a member of congress in computing Iowa
8 net income shall be limited to that amount of expenses
9 allowed to a member of congress by any federal law
10 or rule in effect on December 31, 1980."
11 2. Page 7, line 30, by inserting after the figure
12 "4," the figure "8,".

ANDERSON of Jasper
STURGEON of Woodbury
GROTH of Buena Vista
DODERER of Johnson
LONERGAN of Boone

CARL of Poweshiek
ARNOULD of Scott
O'KANE of Woodbury
JAY of Appanoose
ROSENBERG of Story
SWARTZ of Marshall

H-5040

- 1 Amend House File 2171 as follows:
2 1. Page 4, by inserting after line 10 the following
3 new section:
4 "Sec. 13. Section 422.35, Code 1981, is amended"
5 by adding the following new subsection:
6 NEW SUBSECTION. In computing Iowa net income on
7 telephone switching equipment acquired after December
8 31, 1980, the taxpayer shall add back to the Iowa
9 net income the difference between the depreciation
10 allowed on five-year recovery property and the
11 depreciation allowed on ten-year recovery property
12 as determined under section 168 of the Internal Revenue
13 Code of 1954."
14 2. Page 7, line 30, by striking the word and
15 figure "and 11" and inserting in lieu thereof the
16 word and figures "11, and 13".
17 3. Renumber sections and correct internal
18 references as are necessary in accordance with this
19 amendment.

BRUNER of Story

H-5041

- 1 Amend House File 2171 as follows:
2 1. Page 4, by inserting after line 10 the following
3 new section:

4 "Sec. . Section 427A.4, unnumbered paragraph
5 2, Code 1981, as amended by Acts of the Sixty-ninth
6 General Assembly, 1981 Session, chapter 140, section
7 1, is amended to read as follows:

8 Each even-numbered year, on or before July 1, the
9 a taxpayer who has not previously filed an application
10 with the assessor shall deliver to the assessor an
11 application for personal property tax credit and state
12 by the affidavit filed in each county where the
13 taxpayer's personal property is situated, that the
14 taxpayer has not claimed a total personal property
15 tax credit in all counties in excess of a total of
16 ten thousand dollars assessed valuation. A claim
17 filed in 1980 and each succeeding even-numbered year
18 shall be applicable for that year and the succeeding
19 odd-numbered year years."

20 2. Page 6, by inserting after line 8 the following
21 new sections:

22 "Sec. . Acts of the Sixty-ninth General
23 Assembly, 1981 Session, chapter 140, section 2, is
24 amended to read as follows:

25 "SEC. 2. Section 427A.4, Code 1981, is amended
26 by inserting after unnumbered paragraph 2 the following
27 new unnumbered paragraph:

28 NEW UNNUMBERED PARAGRAPH. In any odd-numbered-
29 year, a taxpayer who did has not file previously filed
30 an application in an even-numbered year with the
31 assessor shall deliver to the assessor an application
32 for personal property tax credit and state by the
33 affidavit filed in each county where the taxpayer's
34 personal property is situated, that the taxpayer has
35 not claimed a total personal property tax credit in
36 all counties in excess of a total of ten thousand
37 dollars assessed valuation. .

38 Sec. . Acts of the Sixty-ninth General Assembly,
39 1981 Session, chapter 140, section 3, is amended to
40 read as follows:

41 SEC. 3. Section 428.4, Code 1981, is amended by
42 adding the following new unnumbered paragraph:

43 NEW UNNUMBERED PARAGRAPH. An assessor shall not
44 be required to contact a taxpayer in odd-numbered-
45 years any year for the purpose of listing personal
46 property but each taxpayer shall be required to file
47 a revised listing of personal property with the
48 assessor itemizing any additions or deletions to the
49 listing if the valuation of the taxpayer's personal
50 property will affect the taxpayer's exemption.

Page 2

- 1 However, if a taxpayer fails to file a revised listing,
- 2 where such filing would show an increase in valuation

3 of the taxpayer's personal property, the taxpayer
4 shall only be assessed the taxes and interest due
5 on the property the taxpayer has failed to report."
6 3. Renumber sections and correct internal
7 references as are necessary in accordance with this
8 amendment.

SMALLEY of Polk

H-5042

1 Amend House File 2171 as follows:

2 1. By striking page 1, line 31 through page 2,
3 line 1.

4 2. Page 2, by striking lines 9 through 26.

5 3. By striking page 2, line 27 through page 3,
6 line 8.

7 4. Page 3, by inserting after line 8 the following
8 new sections:

9 "Sec. 8. Section 422.9, subsection 1, Code 1981,
10 is amended to read as follows:

11 1. An optional standard deduction of fifteen
12 percent of the net income after deduction of federal
13 income tax, not to exceed one thousand two hundred
14 dollars for a married person who files separately,
15 one thousand two hundred dollars for a single person
16 or three thousand dollars for a husband and wife who
17 file a joint return, a surviving spouse as defined
18 in section 2 of the Internal Revenue Code of 1954,
19 or an unmarried head of household as defined in the
20 Internal Revenue Code of 1954. The amount of the
21 federal income tax deducted shall not exceed fifteen
22 thousand dollars.

23 Sec. 9. Section 422.9, subsection 2, paragraph
24 b, Code 1981, is amended to read as follows:

25 b. Add the amount of federal income taxes paid
26 or accrued as the case may be, during the tax year,
27 adjusted by any federal income tax refunds. However,
28 the amount added shall not exceed fifteen thousand
29 dollars. Provided, however, that where If married
30 persons, who have filed a joint federal income tax
31 return, file separately, such the total shall be
32 divided between them according to the portion thereof
33 paid or accrued, as the case may be, by each."

34 5. By striking page 3, line 32 through page 4,
35 line 1 and inserting in lieu thereof the following:

36 "4. Subtract fifty percent of the first one hundred
37 thousand dollars and twenty percent of the amount
38 exceeding one hundred thousand dollars of the federal
39 income taxes paid or accrued, as the case may be,
40 during the tax year, adjusted by any federal income

41 tax refunds; and add the Iowa income tax deducted
42 in computing said taxable income."

43 6. By striking page 4, line 22 through page 6,
44 line 6.

45 7. Page 7, by inserting after line 32 the following
46 new section:

47 "Sec. 25. Sections 8 and 9 of this Act are
48 retroactive to January 1, 1981 for tax years beginning
49 on or after January 1, 1981."

50 8. Page 8, by striking lines 4 through 6.

Page 2

1 9. Amend the title, lines 5 and 6, by striking
2 the words "providing for the assessment of computers
3 and machinery used in manufacturing,".

4 10. Renumber sections and correct internal
5 references as are necessary in accordance with this
6 amendment.

DAVITT of Warren

H—5044

1' Amend House File 2171 as follows:

2 1. Page 3, by inserting after line 22 the following
3 new section:

4 "Sec. 10. Section 422.12, Code 1981, is amended
5 by inserting after subsection 2 the following new
6 subsection:

7 NEW SUBSECTION. A credit equal to ten percent
8 of the qualified wages paid to qualified employees
9 by the taxpayer during the tax year. However, the
10 credit shall not exceed ten percent of the wages paid
11 to an equal number of the lowest paid employees or
12 the amount of the total increase in wages paid by
13 the taxpayer during the tax year, over the previous
14 tax year. As used in this subsection, unless the
15 context otherwise requires:

16 a. "Qualified wages" means that amount of wages
17 paid to qualified employees up to and including eight
18 thousand dollars during the tax year.

19 b. "Qualified employee" means an employee hired
20 by the taxpayer to perform services for the taxpayer
21 within this state on a part-time or full-time basis
22 during the tax year and whose employment by the
23 taxpayer increases the total number of employees
24 employed by the taxpayer to a number which exceeds
25 the threshold employee level. A qualified employee
26 shall not include any person related to the taxpayer
27 within the second degree by consanguinity or affinity.

28 If the taxpayer is a corporation, the qualified
29 employee shall not include any person related to the
30 taxpayer's officers within the second degree by
31 consanguinity or affinity.

32 c. "Threshold employee level" means the highest
33 number of employees listed on the most recent report
34 submitted to the department of revenue by the taxpayer.
35 If the trade or business of the taxpayer begins
36 operation during the tax year for which the credit
37 is claimed, the threshold employee level is zero.

38 The credit allowed under this subsection shall
39 be allowed only for the tax year beginning on or after
40 January 1, 1982 but not after December 31, 1982, and
41 the tax year beginning on or after January 1, 1983
42 but not after December 31, 1983. If the amount of
43 the credit claimed by a taxpayer under this subsection
44 exceeds the tax liability of the taxpayer, the excess
45 shall be refunded to the taxpayer.

46 The credit allowed under this subsection may, at
47 the election of the taxpayer, be credited against
48 the tax imposed under division III of this chapter."

49 2. By striking page 4, line 22 through page 6,
50 line 6 and inserting in lieu thereof the following:

Page 2

1 "Sec. 14. Section 422.38, Code 1981, is amended
2 to read as follows:

3 422.38 STATUTES GOVERNING CORPORATIONS. All the
4 provisions of sections Sections 10 of this Act and
5 422.15 to 422.22 of division II, insofar as the same
6 they are applicable, shall apply to corporations
7 taxable under this division."

8 3. Page 7, line 33, by striking the word and
9 figure "and 19" and inserting in lieu thereof the
10 word and figures "10 and 14".

11 4. Amend the title, lines 5 and 6, by striking
12 the words "providing for the assessment of computers
13 and machinery used in manufacturing," and inserting
14 in lieu thereof the words "providing a tax credit
15 for increasing employment,".

16 5. Renumber sections and correct internal
17 references as are necessary in accordance with this
18 amendment.

RAPP of Black Hawk

H-5045

1 Amend House File 2171 as follows:

2 1. Page 4, by inserting after line 10 the

3 following new section:

4 "Sec. 13. Section 422.35, Code 1981, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. For tax years beginning on or
7 after January 1, 1981, the taxpayer may use either
8 of two means for determining depreciation allowances
9 for items purchased after January 1, 1981:

10 a. The deduction for depreciation provided by
11 section 168 of the Internal Revenue Code of 1954
12 shall be allowed only as provided in this paragraph.
13 For a tax year beginning on or after January 1, 1981,
14 the taxpayer may use depreciation provided by section
15 168 of the Internal Revenue Code of 1954 on all of
16 the value of all of the recovery property up to a
17 maximum of thirty thousand dollars of the total value
18 of the recovery property. The taxpayer may use
19 depreciation provided by section 168 of the Internal
20 Revenue Code of 1954 on two-thirds of the value of
21 all of the recovery property in excess of
22 thirty thousand dollars of the recovery property.
23 For tax years beginning on or after January 1, 1982,
24 the taxpayer may use depreciation provided by section
25 168 of the Internal Revenue Code of 1954 on all of the
26 recovery property up to a maximum of fifty thousand
27 dollars of the recovery property. The taxpayer may
28 use depreciation provided by section 168 of the Internal
29 Revenue Code of 1954 on two-thirds of the value of
30 all of the recovery property in excess of fifty thousand
31 dollars of the recovery property.

32 b. In lieu of "a" above, the taxpayer may elect to
33 use the depreciation schedule provided in section 167
34 of the Internal Revenue Code of 1954, as amended up to
35 and including January 1, 1981."

36 2. Page 7, line 30, by striking the word and figure
37 "and 11" and inserting in lieu thereof the word and
38 figures "11, and 13".

39 3. Renumber sections and correct internal references
40 as are necessary in accordance with this amendment.

BRUNER of Story

H-5047

1 Amend amendment H-5045 to page 4 of House File
2 2171 as follows:

3 1. Page 1, by striking lines 13 through 31 and
4 inserting in lieu thereof the following: "For tax
5 years beginning on or after January 1, 1981, the
6 taxpayer may use depreciation provided by section
7 168 of the Internal Revenue Code of 1954 on all of
8 the value of all of the recovery property up to a

9 maximum of one hundred thousand dollars of the total
10 value of the recovery property. The taxpayer may
11 use depreciation provided by section 168 of the
12 Internal Revenue Code of 1954 on two-thirds of the
13 value of all of the recovery property in excess of
14 one hundred thousand dollars of the recovery property."

BRUNER of Story

H-5050

1 Amend House File 2171 as follows:

2 1. Page 6, by inserting after line 6 the following
3 new section:

4 "Sec. 20. Section 432.1, subsection 1, unnumbered
5 paragraph 2, Code 1981, is amended to read as follows:

6 In determining the gross amount of premiums to
7 be taxed hereunder, there shall be excluded all
8 premiums received from policies or contracts issued
9 in connection with a deferred compensation plan or
10 received from policies or contracts issued in
11 connection with a pension, annuity, profit sharing
12 plan or individual retirement annuity qualified or
13 exempt under sections 401, 403, 404, 408 or 501(a)
14 of the federal Internal Revenue Code as now or
15 hereafter amended and all premiums returned to
16 policyholders or annuitants during the preceding
17 calendar year, except cash surrender values, all
18 dividends that, during said year, have been paid in
19 cash or applied in reduction of premiums or left to
20 accumulate to the credit of policyholders or
21 annuitants."

22 2. Page 7, line 33, by striking the word and
23 figure, "and 19" and inserting in lieu thereof the
24 word and figures "19, and 20".

25 3. Amend the title, line 7, by inserting after
26 the word "credit," the words "exempting deferred
27 compensation premiums from the premiums tax,".

28 4. Renumber sections and correct internal
29 references as are necessary in accordance with this
30 amendment.

JOHNSON of Linn

H-5051

1 Amend the Hanson, et al. amendment, H-5034, to House
2 File 2171 as follows:

3 1. Page 1, lines 26 through 30, by striking the
4 words ", where the taxpayer elects on the Iowa return
5 to be governed by section 604 of the tax reform Act
6 of 1976, as amended up to and including December 31,
7 1980 and shall not exceed fifty dollars per day where
8 the taxpayer itemizes expenses".

CHIODO of Polk

H-5052

- 1 Amend House File 2013 as follows:
- 2 1. Page 1, line 10, by inserting after the
- 3 word "commission." the words "If a train or any
- 4 railroad salvage equipment or other equipment
- 5 operating on the railroad tracks approaches a
- 6 crossing marked with an "exempt" sign, a flag-
- 7 person shall stop traffic across the tracks before
- 8 the train or other equipment enters the crossing."

SPEAR of Lee

H-5053

- 1 Amend House File 2068 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 359.47, Code 1981, is amended
- 5 by striking the section and inserting in lieu thereof
- 6 the following:
- 7 359.47 COMPENSATION OF TOWNSHIP CLERK. A township
- 8 clerk while engaged in official business shall be
- 9 compensated at a pay rate determined by the board
- 10 of trustees of the township. The township clerk's
- 11 compensation is payable from the taxes and revenue
- 12 of the township."

OXLEY of Linn

H-5054

- 1 Amend amendment H-5034, to House File 2171 as
- 2 follows:
- 3 1. Page 1, by striking lines 24 through 30, and
- 4 inserting in lieu thereof the following: "for travel
- 5 expense, shall not exceed \$50.00 per day, where the
- 6 taxpayer elects on the Iowa return to be governed by
- 7 section 604 of the tax reform Act of 1976, as amended
- 8 up to and including December 31, 1980, unless the
- 9 taxpayer itemizes expenses."

HARBOR of Mills
HOLT of Clay
DANKER of Pottawattamie
LIND of Black Hawk
SWEARINGEN of Keokuk
DAGGETT of Taylor
GROSS of Ringgold

SCHROEDER of Pottawattamie
MAULSBY of Calhoun
COREY of Louisa
JOCHUM of Dubuque
ANDERSON of Audubon
RENKEN of Grundy
CRABB of Crawford
HALVORSON of Clayton
HUMMEL of Benton

H-5056

1 Amend House File 2171 as follows:

2 1. By striking page 3, line 30 through page 4,
3 line 1, and inserting in lieu thereof the following
4 new section:

5 "Sec. 11. Section 422.35, subsection 4, Code 1981,
6 is amended by striking the subsection and inserting
7 in lieu thereof the following:

8 4. If the taxpayer's taxable income is twenty-
9 five thousand dollars or less, the taxpayer shall
10 subtract fifty percent of the federal income taxes
11 paid or accrued, as the case may be, during the tax
12 year, adjusted by any federal income tax refunds;
13 and add the Iowa income tax deducted in computing
14 the taxable income. If the taxpayer's taxable income
15 is more than twenty-five thousand dollars, the taxpayer
16 shall subtract twenty-five percent of the federal
17 income taxes paid or accrued, as the case may be,
18 during the tax year, adjusted by any federal income
19 tax refunds; and add the Iowa income tax deducted
20 in computing the taxable income."

SCHNEKLOTH of Scott
BENNETT of Ida
JOHNSON of Woodbury
COREY of Louisa
PELTON of Clinton
HARBOR of Mills
DANKER of Pottawattamie
VAN MAANEN of Mahaska
CLEMENTS of Scott
TRUCANO of Polk
MANN of Greene
TYRRELL of Iowa
SMALLEY of Polk
MULLINS of Kossuth
STUELAND of Clinton
JOHNSON of Howard
SMITH of Scott
KREWSON of Polk
BRANSTAD of Winnebago
McKEAN of Jones
JOHNSON of Linn
LIND of Black Hawk
COOK of Hardin
MENKE of O'Brien

SHULL of Warren
SCHROEDER of Pottawattamie
TOFTE of Winneshiek
HANSEN of O'Brien
HOLT of Clay
HALVORSON of Clayton
CRABB of Crawford
POPE of Polk
DAGGETT of Taylor
SWEARINGEN of Keokuk
HANSON of Delaware
DIEMER of Black Hawk
WELDEN of Hardin
RENKEN of Grundy
RITSEMA of Sioux
CARPENTER of Polk
MAULSBY of Calhoun
GROSS of Ringgold
EGENES of Story
POFFENBERGER of Dallas
HUMMEL of Benton
ANDERSON of Audubon
DE GROOT of Lyon
PETRICK of Linn
HOFFMANN-BRIGHT of
Muscatine

H--5057

- 1 Amend House File 2171 as follows:
- 2 1. Page 7, by inserting after line 29 the following
- 3 new section:
- 4 "Sec. . The prohibition in section 422.16,
- 5 subsection 11, paragraph e, on the waiver relating
- 6 to reasonable cause of the addition to tax for under-
- 7 payment of the estimated tax payable shall not apply
- 8 with regard to the 1981 tax year to farmers and
- 9 fishermen who have elected not to pay estimated taxes
- 10 during the 1981 tax year and the director may waive
- 11 the addition to tax for underpayment of the estimated
- 12 tax payable for the 1981 tax year for reasonable
- 13 cause."
- 14 2. Renumber sections and correct internal
- 15 references as are necessary in accordance with this
- 16 amendment.

NORLAND of Worth

H-5059

- 1 Amend amendment H-5058 to House File 2171 as
- 2 follows:
- 3 1. Page 4, line 39, by striking the numeral
- 4 "6,".

DAVITT of Warren

H-5060

- 1 Amend amendment H-5038 to page 3 of House File
- 2 2171 as follows:
- 3 1. Page 1, by striking lines 2 through 7 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 3, by inserting after line 8 the
- 6 following:
- 7 "Sec. 40. Section 422.7, Code 1981, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. Add the amounts".

RITSEMA of Sioux

H-5062

- 1 Amend House File 647 as follows:
- 2 1. Page 1, by striking lines 1 through 8 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 135D.1, Code 1981 is amended
- 5 by adding the following new subsection:

6 NEW SUBSECTION. "Travel trailer" means a vehicle
7 without motive power used or so manufactured or
8 constructed as to permit its being used as a conveyance
9 upon the public streets and highways and designed
10 to permit the vehicle to be used as a place of human
11 habitation by one or more persons. The vehicle shall
12 not exceed eight feet in width and forty feet in
13 length. The vehicle shall be customarily or ordinarily
14 used for vacation or recreational purposes and not
15 used as a place of permanent habitation. If the
16 vehicle is used in this state as a place of human
17 habitation for more than ninety consecutive days in
18 one location it is a mobile home regardless of the
19 size limitations provided.

20 Sec. 2. Section 135D.1, subsection 1, Code 1981,
21 is amended to read as follows:

22 1. "Mobile home" means any vehicle without motive
23 power, except travel trailers, used or so manufactured
24 or constructed as to permit its being used as a
25 conveyance upon the public streets and highways and
26 so designed, constructed, or reconstructed as will
27 permit the vehicle to be used as a place for human
28 habitation by one or more persons; but shall also
29 include any such vehicle with motive power not
30 registered as a motor vehicle in Iowa."

31 2. Amend the title, by striking lines 1 through
32 3 and inserting in lieu thereof the following: "An
33 Act to exempt travel trailers from the regulation
34 of mobile home parks."

McKEAN of Jones

H-5063

1 Amend House File 2171 as follows:

2 1. Page 1, line 30, by inserting after the period
3 the words "If the amount of dividends excluded under
4 section 116(a) of the Internal Revenue Code of 1954
5 is less than the amount allowed as a deduction, in
6 computing Iowa net income the taxpayer may also exclude
7 interest income in an amount equal to the difference
8 between the dividend income excluded and the maximum
9 dollar limitations specified in section 116(a) of
10 the Internal Revenue Code of 1954 for the deduction."

CONNOLLY of Dubuque

H-5064

1 Amend House Concurrent Resolution 108 as
2 follows:

3 1. By striking Page 1, line 1, through Page
4 2, line 4, and inserting in lieu thereof the
5 following:

6 "Whereas, many of our state bridges have
7 reached their design life and are in desperate need
8 of repair and reconstruction; and

9 Whereas, present federal design standards such
10 as those concerning weight limits for state bridges
11 have impeded the state's efforts to repair and
12 reconstruct state bridges; Now Therefore,

13 *Be It Resolved by the House of Representatives,*
14 *the Senate Concurring,* That the state of Iowa
15 urges a greater emphasis within federal funding
16 on repair and reconstruction of our bridges; and

17 *Be It Further Resolved,* That present federal
18 design standards, particularly those involving
19 bridge construction, should be relaxed to permit
20 more efficient utilization of the state's limited
21 program resources without adversely affecting
22 safety; and

23 *Be It Further Resolved,* That the Chief Clerk
24 of the House is directed to forward a copy of this
25 resolution to the Secretary of Transportation of
26 the United States.

CLEMENTS of Scott

H-5066 *

1 Amend House File 84, as follows:

2 1. Page 1, by inserting, after line 21, the
3 following:

4 "Sec. 2. There is appropriated from the
5 general fund of the state to the municipal
6 assistance fund established in chapter 405 for
7 each fiscal year an amount necessary to be
8 distributed to cities which have established
9 fire and police retirement systems in order to
10 pay the additional costs of benefits provided in
11 this Act."

DODERER of Johnson
JOHNSON of Linn

H-5070

1 Amend House File 2335 as follows:

2 1. Page 13, by inserting after line 2 the following:

3 "Sec. . Section 246.11, Code 1981, is amended
4 to read as follows:

5 246.11 FEDERAL PRISONERS. Inmates sentenced for

6 any term by any court of the United States may be
 7 received by the warden into the penitentiary or the
 8 men's reformatory and there kept in pursuance of their
 9 sentences. Inmates at either the penitentiary or men's
 10 reformatory may also be transferred to the federal
 11 bureau of prisons. If an inmate objects to his transfer
 12 to the federal bureau of prisons, the inmate shall be
 13 afforded a hearing as provided in section 217.22."
 14 2. Page 27, by inserting after line 33 the following:
 15 "Sec. . Section 217.22, Code 1981, is repealed."

HALVORSON of Clayton
 CONLON of Muscatine
 RAPP of Black Hawk

H-5072

1 Amend House File 2171 as follows:
 2 1. Page 4, by inserting after line 10 the
 3 following:
 4 "Sec. . Section 422.43, Code 1981, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 7 rate of tax of three percent imposed under other
 8 provisions of this section and section 423.2, there
 9 is imposed under this section and section 423.2 on
 10 the gross receipts from the sale of property defined
 11 in section 427A.1, subsection 1, paragraphs e and
 12 j a tax at the rate specified in the following schedule
 13 for sales made in the appropriate calendar year:
 14 a. For calendar years
 15 1983 and 1984 2 1/2 percent
 16 b. For calendar years
 17 1985 and 1986 2 percent
 18 c. For calendar years
 19 1987 and 1988 1 1/2 percent
 20 d. For calendar years
 21 1989 and 1990 1 percent
 22 e. For calendar years
 23 1991 and 1992 1/2 percent
 24 f. For calendar year 1993 and
 25 subsequent calendar years 0 percent"
 26 2. Page 4, by striking line 22 through page 6,
 27 line 6.
 28 3. Title page, line 5, by striking the word
 29 "assessment" and inserting in lieu thereof the words
 30 "a reduced sales, services and use tax rate on the
 31 sale or use".
 32 4. By numbering, renumbering and correcting
 33 internal references.

O'KANE of Woodbury

H-5074

- 1 Amend House Concurrent Resolution 109 as follows:
- 2 1. Page 1, by striking lines 1 through 29, and
- 3 inserting in lieu thereof the following:
- 4 "Whereas, unemployment in our state is a major
- 5 concern of the Iowa legislature; and
- 6 Whereas, many legislators are concerned about the
- 7 recent federal funding decision which reduces funding
- 8 for Job Service of Iowa and closes Job Service offices
- 9 in several Iowa communities; and
- 10 Whereas, the Reagan administration is restoring
- 11 many programs and their corresponding funds to the
- 12 states; and
- 13 Whereas, the Iowa legislature is willing to take
- 14 responsibility for the needs of the people of Iowa;
- 15 Now Therefore,
- 16 *Be It Resolved by the House of Representatives, the*
- 17 *Senate Concurring,* That we hereby request the Reagan
- 18 administration and the Congress of the United States to
- 19 explore the feasibility of relegating to the states the
- 20 authority and funding of employment security programs;
- 21 and
- 22 *Be It Further Resolved,* That copies of this
- 23 resolution be sent to the President of the United States
- 24 and to the members of the Iowa congressional delegation.

CLEMENTS of Scott

H-5077

- 1 Amend House File 2013 as follows:
- 2 1. Page 1, by striking lines 7 through 10, and
- 3 inserting in lieu thereof the words "posted only where
- 4 the tracks have been removed on both sides of the
- 5 roadway, or where the tracks have been covered with
- 6 a layer of asphalt or other road building material."

SPEAR of Lee

H-5078

- 1 Amend House File 2076 as follows:
- 2 1. Page 1, by striking lines 1 through 6, and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 229.25, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 **NEW SUBSECTION.** During a consultation with a
- 7 spouse of a voluntary or involuntary patient which
- 8 the hospital or facility shall arrange if requested
- 9 by a spouse who is legally liable for the support
- 10 of the patient."

JOHNSON of Linn

H-5080

- 1 Amend House File 2171 as follows:
- 2 1. Page 4, line 26, by inserting after the figure
- 3 "1982" the words "and manufactured in the United
- 4 States".

HOWELL of Floyd
GETTINGS of Wapello

H-5085

- 1 Amend House File 2171 as follows:
- 2 1. Page 3, by inserting after line 8 the following
- 3 new section:
- 4 "Sec. 8. Section 422.7, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. The deduction for depreciation
- 7 as allowed under section 168 of the Internal Revenue
- 8 Code of 1954 is applicable in computing Iowa net
- 9 income as provided under this subsection for tax years
- 10 ending on or after December 31, 1982. If there is
- 11 an unobligated state general fund balance on June
- 12 30, 1982, as certified by the state comptroller by
- 13 September 10, 1982 of the fiscal year beginning in
- 14 that calendar year of sixty million dollars or more,
- 15 a deduction equal to the amount allowed under section
- 16 168 of the Internal Revenue Code of 1954 is allowed.
- 17 If the amount of the unobligated state general fund
- 18 balance on June 30, 1982 is twenty million dollars
- 19 or more but less than sixty million dollars, an amount
- 20 equal to the deduction allowed under section 168 of
- 21 the Internal Revenue Code of 1954 shall be allowed
- 22 on the first thirty thousand and eighty percent of
- 23 any amount in excess of thirty thousand. If the
- 24 amount of the unobligated state general fund balance
- 25 on June 30, 1982 is less than twenty million dollars,
- 26 the taxpayer shall be allowed a deduction equal to
- 27 the amount of the deduction allowed under section
- 28 168 of the Internal Revenue Code of 1954 on the first
- 29 thirty thousand and sixty percent of any amount in
- 30 excess of thirty thousand. For tax years ending on
- 31 or after December 31, 1983, if there is an unobligated
- 32 state general fund balance on June 30, 1983 and June
- 33 30 of each succeeding year, as certified by the state
- 34 comptroller by September 10, 1983 and September 10
- 35 of each succeeding year of the fiscal year beginning
- 36 in that calendar year of sixty million dollars or
- 37 more, a deduction equal to the amount allowed under
- 38 section 168 of the Internal Revenue Code of 1954 is
- 39 allowed. If the amount of the unobligated state

40 general fund balance on June 30, 1983 and June 30
 41 of each succeeding year is thirty million dollars
 42 or more but less than sixty million dollars, an amount
 43 equal to the deduction allowed under section 168 of
 44 the Internal Revenue Code of 1954 shall be allowed
 45 on the first thirty thousand and eighty percent of
 46 any amount in excess of thirty thousand. If the
 47 amount of the unobligated state general fund balance
 48 on June 30, 1983 and June 30 of each succeeding year
 49 is less than thirty million dollars, the taxpayer
 50 shall be allowed a deduction equal to the amount of

Page 2

1 the deduction allowed under section 168 of the Internal
 2 Revenue Code of 1954 on the first thirty thousand
 3 and sixty percent of any amount in excess of thirty
 4 thousand. This subsection is also applicable to
 5 taxpayers filing returns under Divisions III and V
 6 of this chapter."

AVENSON of Fayette
 BRUNER of Story
 DAVITT of Warren

H-5086

1 Amend the amendment H-5070 to House File 2335 as
 2 follows:
 3 1. Page 1, by striking lines 7 and 8 and inserting
 4 in lieu thereof the words "received by the warden
 5 into the penitentiary or the men's reformatory for
 6 the custody of the director of the division of adult
 7 corrections and there kept in pursuance of their".
 8 2. Page 1, lines 9 and 10, by striking the words
 9 "at either the penitentiary or men's reformatory"
 10 and inserting in lieu thereof the words "at either
 11 the penitentiary or men's reformatory received for
 12 the custody of the director of the division of adult
 13 corrections".

SPEAR of Lee

H-5087

1 Amend House File 2335 as follows:
 2 1. Page 7, line 10, by inserting after the number
 3 "1" the following: "only if the child was fourteen
 4 years of age or older when the act was committed".

SPEAR of Lee

H-5096

1 Amend Senate File 396 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by striking line 7 and inserting in
4 lieu thereof the following:

5 "Sec. . Section 409.1, Code 1981, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A lot resulting from
8 an act of subdivision otherwise subject to the
9 requirements of this section is exempt from those
10 requirements where all of the following conditions
11 exist:

12 1. The parcel being subdivided has been improved
13 by a group of structures capable of use for dwelling,
14 commercial, manufacturing, processing or agricultural
15 purposes, independently of any other group of
16 structures on the parcel capable of one of those uses.

17 2. Both groups of structures were in existence
18 on the land, or construction of them was begun on
19 the land before July 1, 1976.

20 3. The act of subdivision causes the inclusion
21 of any of the groups of structures on the lot.
22 Upon request by a proprietor, the city or county
23 assessor shall certify that a particular group of
24 structures was in existence on the land, or
25 construction of them was begun on the land before
26 July 1, 1976. As used in this paragraph, "group"
27 and "groups" includes one or more structures.

28 Sec. . NEW SECTION. APPLICABILITY. Sections
29 1 through 3 of this Act apply".

30 2. Renumber as necessary.

HARBOR of Mills

H-5099

1 Amend Senate File 367 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 10 the
4 following:

5 "Sec. . NEW SECTION. A person committed to
6 the custody of the division of adult corrections shall
7 pay to the department of social services from income
8 which is not earned as a result of the person working
9 in an institution under the control of the division
10 of adult corrections and which is not needed to support
11 dependents of the person committed, the costs of
12 maintaining that person as an inmate in the state
13 institution. The director of the division of adult
14 corrections shall determine the income of the inmate

15 available for payment and the income which is eligible
16 to be used to reimburse the state, and take action
17 pursuant to legal procedures to have the inmate's
18 eligible income placed under control of the state
19 and deposited in a special fund in the state treasury
20 to be used to reimburse the state for the actual cost
21 of maintaining the inmate. The director of the
22 division of adult corrections may initiate legal
23 remedies provided by law for the collection of debts
24 to enforce this section.

25 Funds deposited in the special fund may be invested
26 on behalf of the inmate and the state in financial
27 instruments insured by the federal deposit insurance
28 corporation or guaranteed by the United States
29 government. Income earned on the principal shall
30 first be used to reimburse the state before the
31 principal is used. The balance of funds remaining
32 in the special fund and credited to the inmate shall
33 be returned to the inmate when the inmate is discharged
34 and no longer is a financial burden to the state."

35 2. Title page, line 1, by inserting after the
36 word "money" the words "available to persons under
37 the custody of the division of adult corrections
38 through legitimate means or".

TYRRELL of Iowa

H-5101

1 Amend House File 2335 as follows:

2 1. Page 6, lines 30 and 31, by striking the words
3 "CONVICTION AND DELINQUENCY ADJUDICATION" and inserting
4 in lieu thereof the words "ADULT CONVICTIONS".

5 2. Page 7, by striking lines 5 through 10, and
6 inserting in lieu thereof the following: "and totaling
7 applicable points under subsection 1."

8 3. Page 7, line 14, by striking the word "four"
9 and inserting in lieu thereof the word "three".

10 4. Page 7, line 18, by striking the word "five"
11 and inserting in lieu thereof the word "four".

12 5. Page 7, line 20, by striking the word "six"
13 and inserting in lieu thereof the word "five".

RITSEMA of Sioux

H-5102

1 Amend House File 2335 as follows:

2 1. Page 6, lines 30 and 31, by striking the words
3 "CONVICTION AND DELINQUENCY ADJUDICATION" and inserting
4 in lieu thereof the words "ADULT CONVICTIONS".

5 2. Page 7, by striking lines 6 through 10, and
6 inserting in lieu thereof the following: "adjudication
7 that a child committed a felony or aggravated
8 misdemeanor shall be considered for purposes of
9 assessing and totaling applicable points under
10 subsection 1, only if the child was prosecuted as
11 an adult for the offense in a court other than juvenile
12 court."

DODERER of Johnson

H-5104

1 Amend the House amendment, H-5096, to Senate File
2 396, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 27 the
5 following:
6 "This subsection does not apply when a tract or
7 parcel of land is used exclusively for farming
8 purposes. As used in this subsection, "farming" means
9 the cultivation of crops or the raising of livestock."

COREY of Louisa

H-5111

1 Amend amendment H-5097 to House File 2335 as follows:
2 1. By inserting after line 12, the following:
3 " . Page 12, line 25, by striking "1" and inserting
4 in lieu thereof the word "or".
5 . Page 12, line 26, by striking the words "or
6 serious misdemeanor".

POFFENBERGER of Dallas

H-5112

1 Amend amendment H-5106 to House File 2335 as
2 follows:
3 1. Page 1, by inserting after line 45 the
4 following:
5 " . Page 12, by striking lines 19 through 29."
6 2. By renumbering as necessary.

DODERER of Johnson
ROSENBERG of Story

H-5114

1 Amend amendment H-5106 to House File 2335 as
2 follows:

- 3 1. Page 1, by striking lines 4 through 8.
- 4 2. Page 1, by striking lines 13 through 20 and
- 5 inserting in lieu thereof the following:
- 6 " . Page 7, by striking lines 5 through 10,
- 7 and inserting in lieu thereof the following: "and
- 8 totaling applicable points under subsection 1."
- 9 . Page 7, line 14, by striking the word "four"
- 10 and inserting in lieu thereof the word "three".
- 11 . Page 7, line 18, by striking the word "five"
- 12 and inserting in lieu thereof the word "four".
- 13 . Page 7, line 20, by striking the word "six"
- 14 and inserting in lieu thereof the word "five"."

RITSEMA of Sioux

H-5116

- 1 Amend House File 2335 as follows:
- 2 1. Page 13, by inserting after line 12 the
- 3 following:
- 4 "Sec. . Section 707.3, unnumbered paragraph
- 5 2, Code 1981, is amended to read as follows:
- 6 Murder in the second degree is a class "B" felony.
- 7 However, notwithstanding section 902.9, subsection
- 8 1, the maximum sentence for a person convicted under
- 9 this section shall be a period of confinement from
- 10 twenty-five years to ninety-nine years which maximum
- 11 sentence is to be determined by the sentencing court
- 12 based on the facts and circumstances of the particular
- 13 case.
- 14 Sec. . Section 707.11, unnumbered paragraph
- 15 1, Code 1981, is amended to read as follows:
- 16 A person commits a class "C" "B" felony when, with
- 17 the intent to cause the death of any another person
- 18 and not under circumstances which would justify the
- 19 person's actions, the person does any act by which
- 20 he or she the person expects to set in motion a force
- 21 or chain of events which will cause or result in the
- 22 death of such the other person."
- 23 2. Page 15, line 29, by inserting after the word
- 24 "provided" the following: "or section 707.3".

BYERLY of Polk

H-5118

- 1 Amend House File 2335 as follows:
- 2 1. Page 12, by striking lines 19 through 29.
- 3 2. By renumbering as necessary.

DODERER of Johnson
ROSENBERG of Story

H-5121

- 1 Amend House File 2335 as follows:
- 2 1. Page 12, line 25, by striking "," and inserting
- 3 in lieu thereof the word "or".
- 4 2. Page 12, line 26, by striking the words "or
- 5 serious misdemeanor".

DODERER of Johnson
POFFENBERGER of Dallas
MULLINS of Kossuth
CARPENTER of Polk
SPEAR of Lee

H-5122

- 1 Amend amendment H-5106 to House File 2335 as follows:
- 2 1. Page 1, by inserting after line 20 the following:
- 3 " . Page 7, line 10, by inserting after the number
- 4 "1" the following: ", only if the child was fifteen
- 5 years of age or older when the act was committed".

DODERER of Johnson
POFFENBERGER of Dallas
MULLINS of Kossuth
CARPENTER of Polk
SPEAR of Lee

H-5123

- 1 Amend House File 2345 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "parent" the words "or guardian".
- 4 2. Page 1, line 9, by inserting after the word
- 5 "parent" the words "or guardian".
- 6 3. Page 1, line 12, by inserting after the word
- 7 "parent" the words "or guardian".

SPEAR of Lee

H-5125

- 1 Amend House File 2113 as follows:
- 2 1. Page 4, by inserting after line 10 the
- 3 following:
- 4 "Sec. . Acts of the Sixty-ninth General
- 5 Assembly, Second Extraordinary 1981 Session, chapter
- 6 1, section 4, subsection 2, is amended to read as
- 7 follows:
- 8 2. Each odd-numbered senatorial district
- 9 established by section 41.2, which the general assembly

10 adopts by reference, and section 2 of this Act shall
11 elect a senator in 1982 for a four-year term commencing
12 in January, 1983. If an incumbent senator who was
13 elected to a four-year term which commenced in January,
14 1981, or was subsequently elected to fill a vacancy
15 in such a term, is residing in the geographic area
16 of an odd-numbered senatorial district on April 2,
17 1982 September 16, 1981, that senator's term of office
18 shall be terminated on January 1, 1983.

19 Sec. . Acts of the Sixty-ninth General Assembly,
20 Second Extraordinary 1981 Session, chapter 1, section
21 4, subsection 3, paragraph a, is amended to read as
22 follows:

23 a. If one and only one incumbent state senator
24 is residing in the geographic area of an even-numbered
25 senatorial district on April 2, 1982 September 16,
26 1981, and that senator was elected to a four-year
27 term which commenced in January, 1981 or was
28 subsequently elected to fill a vacancy in such a term,
29 the senator shall represent the district in the senate
30 for the Seventieth General Assembly.

31 Sec. . Section 42.4, subsection 8, Code 1981,
32 is amended by adding the following new paragraph:
33 NEW PARAGRAPH. Paragraphs a and b do not apply
34 to amendments adopted in the year 1982."

35 2. Page 4, line 15, by inserting after the word
36 "Iowa" the words "and is retroactive to September
37 16, 1981".

38 3. By renumbering as necessary.

HANSON of Delaware

H-5131

1 Amend the amendment H-5120 to House File 2335 as
2 follows:

3 1. Page 1, by inserting after line 1 the following:

4 "1. Page 10, by striking lines 14 through 17 and
5 inserting in lieu thereof the words "commission shall
6 be submitted to the general assembly and shall
7 establish".

8 2. Page 1, line 2, by striking the figure "1"

9 and inserting in lieu thereof the figure "2".

SCHROEDER of Pottawattamie

H-5132

1 Amend amendment H-5106 to House File 2335 as follows:

2 1. Page 1, by striking lines 13 through 20.

3 2. Page 1, by inserting after line 20, the following:

4 " . Page 7, by striking lines 6 through 10, and
5 inserting in lieu thereof the following: "adjudication

6 that a child committed a felony or aggravated misdemeanor
7 shall be considered for purposes of assessing and
8 totaling applicable points under subsection 1, only if
9 the child was prosecuted as an adult for the offense in
10 a court other than juvenile court." "

DODERER of Johnson
RITSEMA of Sioux
POFFENBERGER of Dallas
ROSENBERG of Story
CARPENTER of Polk
KREWSON of Polk

H-5137

1 Amend amendment H-5084 to House File 2335, as
2 follows:
3 1. Page 1, by striking lines 6 through 14, and
4 inserting in lieu thereof the following:
5 "2. Page 10, by striking lines 13 through 16 and
6 inserting in lieu thereof the following:
7 "characteristics. The sentencing guidelines
8 promulgated by the commission shall be submitted to
9 the general assembly together with any recommended
10 code changes to implement the guidelines. The general
11 assembly may enact the changes and guidelines by
12 statute. The proposed guidelines shall be".

SPEAR of Lee

H-5143

1 Amend House File 2335 as follows:
2 1. Page 10, by striking lines 14 through 16, and
3 inserting in lieu thereof the following: "commission
4 shall be submitted to the general assembly by January
5 1, 1984 and any amendments to the rules shall be
6 submitted each January 1 thereafter. The general
7 assembly shall by March 1 of each year, either approve
8 or disapprove the rules or amendments by a
9 constitutional majority of each house by a house
10 concurrent resolution or by a senate concurrent
11 resolution. Failure of both houses to disapprove,
12 or failure of either or both houses to act shall
13 constitute approval and adoption of the rules. The
14 adopted rules shall be".
15 2. Page 10, line 32, by inserting after the word
16 "sentencing" the words "by the procedure provided
17 for in subsection 1 of this section",

SCHROEDER of Pottawattamie

H-5146

- 1 Amend amendment H-5120 to page 10 of House File
- 2 2335 as follows:
- 3 1. By striking lines 2 through 7 and inserting in
- 4 lieu thereof the following:
- 5 "1. Page 10, by striking lines 14 through 16, and
- 6 inserting in lieu thereof the following: "commission
- 7 shall be submitted to the general assembly by January
- 8 1, 1984 and any amendments to the rules shall be
- 9 submitted each January 1 thereafter. The general
- 10 assembly shall by March 1 of each year, either approve
- 11 or disapprove the rules or amendments by a
- 12 constitutional majority of each house by a house
- 13 concurrent resolution or by a senate concurrent
- 14 resolution. Failure of both houses to disapprove,
- 15 or failure of either or both houses to act shall
- 16 constitute approval and adoption of the rules. The
- 17 adopted rules shall be".
- 18 2. Page 10, line 32, by inserting after the word
- 19 "sentencing" the words "by the procedure provided
- 20 for in subsection 1 of this section".

SCHROEDER of Pottawattamie

H-5149

- 1 Amend House File 2336 to read as follows:
- 2 1. Page 9, by inserting after line 12 the
- 3 following:
- 4 "Sec. . The appropriation from the general
- 5 fund of the state for the fiscal year beginning July
- 6 1, 1981, and ending June 30, 1982, to the department
- 7 of social services for home-based services under Acts
- 8 of the Sixty-ninth General Assembly, 1981 Session,
- 9 chapter 7, section 3, subsection 8 is reduced by six
- 10 hundred twenty-seven thousand (627,000) dollars, which
- 11 is in addition to the reduction of home-based services,
- 12 funds released, deposited, and transferred under Acts
- 13 of the Sixty-ninth General Assembly, 1981 Session,
- 14 chapter 17."
- 15 2. By renumbering as necessary.

VAN MAANEN of Mahaska

H-5151

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "compensation." the following: "Damages caused by the
- 4 operation of a motor vehicle are subject to this section,
- 5 if the motor vehicle is operated in compliance with
- 6 section 321.231."

SPEAR of Lee

H-5158

1 Amend House File 2336 as follows:

2 1. Page 8, by inserting after line 31 the
3 following:

4 " . Notwithstanding the provisions of chapter
5 255 restricting medical or surgical treatment or
6 hospital care to the university hospital, an indigent
7 patient under chapter 255 may choose to receive the
8 treatment or care at the university hospital or at
9 a local hospital within this state. Notwithstanding
10 the provisions of chapter 255 requiring a county to
11 pay for local hospital expenses for an indigent patient
12 under chapter 255, the costs, expenses, and charges
13 incurred by the indigent patient at a local hospital
14 shall be paid from the appropriation to the department
15 of social services for medical assistance."

CONNOLLY of Dubuque

H-5159

1 Amend House File 2336 as follows:

2 1. Page 2, by inserting after line 8 the following:

3 "Sec. . Notwithstanding the provisions of
4 chapter 255 restricting medical or surgical treatment
5 or hospital care to the university hospital, an
6 indigent patient under chapter 255 may choose to
7 receive the treatment or care at the university
8 hospital or at a local hospital within this state,
9 and the costs, expenses, and charges incurred by the
10 indigent patient at either the university hospital
11 or a local hospital shall be paid from the
12 appropriation for indigent patients under chapter
13 255 and support of the university hospital, subject
14 to the county quotas established in section 255.16."

15 2. By renumbering as necessary.

CONNOLLY of Dubuque

H-5165

1 Amend amendment H-5156 to House File 2341 as
2 follows:

3 1. Page 1, by striking lines 2 through 20 and
4 inserting in lieu thereof the following:

5 " . Page 1, by striking lines 3 through 23 and
6 inserting in lieu thereof the following:

7 "19.33 IOWA STATE SUGGESTION SYSTEM.

8 1. There is created a state suggestion system
9 for the purpose of encouraging Iowa residents to

10 develop and submit ideas which will reduce costs and
11 increase efficiency in state government and which
12 will make monetary and other awards to a state resident
13 whose cost reduction ideas are adopted under the
14 system.

15 2. The state comptroller shall provide necessary
16 personnel for the efficient operation of the system.
17 The state comptroller with approval of the executive
18 council shall adopt rules as necessary for the
19 administration of the system and to establish the
20 award policy under which the system will operate.
21 The rules shall include:

22 a. Eligibility standards for the submitting of
23 a suggestion.

24 b. Procedures for submitting and evaluating
25 suggestions, including the responsibilities of each
26 person involved in the system.

27 c. The method of payment or presentation of awards
28 to the Iowa resident."

29 . Page 2, line 16, by striking the word
30 "employee".

31 . Page 2, by striking line 32, and inserting
32 in lieu thereof the words "departments, state
33 employees, and Iowa residents."

34 . Page 2, line 35, by striking the words "state
35 employees" and inserting in lieu thereof the words
36 "Iowa residents".

SCHROEDER of Pottawattamie

H-5168

1 Amend Senate File 537 as follows:

2 1. Page 1, line 22, by striking the words
3 "to procuring licenses and" and inserting the
4 words "to procuring licenses and".

SPEAR of Lee

H-5169

1 Amend Senate File 24, as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by striking lines 22 and 23 and
4 inserting in lieu thereof the following: "the
5 deficiency presents a clear and present danger
6 that would adversely affect the residents of the
7 facility."

SPEAR of Lee

H-5170

1 Amend House File 2130 as follows:

2 1. Page 1, line 3, by striking the words "declared
3 to be" and inserting in lieu thereof the words
4 "declared to be".

5 2. Page 1, by striking lines 6 through 11 and
6 inserting in lieu thereof the following: "All areas
7 of the state shall be in school districts maintaining
8 twelve grades except as otherwise provided in this
9 section and sections 280.15 and 257.28. If any a
10 school district ceases to maintain twelve grades
11 except as provided in this section and sections 280.15
12 and 257.28, it shall reorganize within six months
13 or the state board shall attach the school district
14 not maintaining twelve grades to another district
15 one or more adjacent districts. The board of a
16 district may vote not to maintain the high school
17 grades and may contract with a contiguous school
18 district for enrollment of its resident pupils eligible
19 for the high school grades at the high school of a
20 contiguous school district. Payment shall be made
21 pursuant to section 282.24 or pursuant to an agreement
22 signed by the board of directors of the affected
23 districts. For the purpose of this section, high
24 school grades includes either grades nine through
25 twelve or ten through twelve. Voluntary reorganizations
26 under this chapter shall".

SPEAR of Lee

H-5173

1 Amend amendment H-5119 to House File 2344 as
2 follows:

3 1. Page 1, by inserting after line 9 the
4 following:

5 "3. Page 1, line 9, by inserting after the word
6 "operator" the words "or attendant"."

RENAUD of Polk
ROSENBERG of Story
CONLON of Muscatine

H-5175

1 Amend House File 2336 as follows:

2 1. Page 8, line 20, by inserting after the word
3 "institutes," the words "services provided to recipients
4 by community mental health centers,".

KREWSON of Polk

H-5177

- 1 Amend Senate File 537 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 24, by inserting after the word
- 4 "denomination" the words ", or others,".
- 5 2. Page 2, line 1, by inserting after the words
- 6 and figures "section 596.2." the words "Section 595.11
- 7 does not apply if the certificate is completed except
- 8 for the signature of an officiating minister or
- 9 magistrate and the certificate is returned within
- 10 15 days of the solemnization of the marriage with
- 11 the consent of the parties."

SPEAR of Lee

H-5197

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "earnings," the word "agreements,".
- 4 2. By striking page 1, line 21, through page 2,
- 5 line 7.
- 6 3. Page 2, by striking lines 17 and 18, and
- 7 inserting in lieu thereof the following: "the respective
- 8 financial institutions and the date of each agreement."

SMALLEY of Polk

H-5202

- 1 Amend House File 2361 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the words "facility shall arrange
- 4 if requested by a spouse, unless the spouses are under
- 5 an order for separate maintenance."

SPEAR of Lee

H-5204

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and
- 3 inserting in lieu thereof the words "located within
- 4 the state for the construction of permanent soil and
- 5 water conservation practices which are included in
- 6 a conservation plan that has been developed for that
- 7 farm by the soil conservation district. Loans may
- 8 also be made for the acquisition of conservation farm
- 9 equipment by an owner or operator of a farm located
- 10 within the state."
- 11 2. Page 4, line 34, by inserting after the words
- 12 "combined with" the words "an erosion control program

13 sponsored by another state agency or".

ANDERSON of Audubon
DIELEMAN of Marion
DE GROOT of Lyon

H-5210

1 Amend House File 2354 as follows:

2 1. Page 1, line 7, by striking the word "employees"
3 and inserting in lieu thereof the words "full-time
4 equivalent employee positions".

5 2. Page 1, line 17, by inserting after the word
6 "employees" the words "equal to the number of full-
7 time equivalent employee positions of the trade or
8 business during the annual accounting period".

9 3. Page 1, line 25, by striking the word
10 "employees" and inserting in lieu thereof the words
11 "full-time equivalent employee positions".

12 4. Page 2, line 6, by striking the word "employees"
13 and inserting in lieu thereof the words "full-time
14 equivalent employee positions".

15 5. Page 2, line 12, by inserting after the word
16 "employees" the words "equal to the number of full-
17 time equivalent employee positions of the taxpayer
18 during the tax year".

19 6. Page 2, line 18, by striking the word
20 "employees" and inserting in lieu thereof the words
21 "full-time equivalent employee positions".

SWARTZ of Marshall

H-5212

1 Amend House File 2035 as follows:

2 1. Page 1, by striking line 16 and inserting in
3 lieu thereof the following: "1981, is amended to
4 read as follows:

5 f. In counties or townships in which field work
6 on a modern soil survey has been completed since
7 January 1, 1949, the assessor and the department of
8 revenue shall place emphasis upon the results of such
9 the survey in determining the productive and earning
10 capacity of such that agricultural property."

DAGGETT of Taylor

H-5213

1 Amend Senate File 482 as follows:

2 1. Page 1, by striking lines 7 through 11 and
3 inserting in lieu thereof the following: "provided in
4 chapter 472. The owner of the advertising device shall
5 be paid the depreciated value".

POFFENBERGER of Dallas

H-5218

- 1 Amend House File 2369 as follows:
- 2 1. By striking page 13, line 18 through page 14,
- 3 line 32.

POFFENBERGER of Dallas

H-5222

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "district." the words "Such plan shall fulfill the
- 4 requirements under department of soil conservation
- 5 programs for receipt of soil conservation cost-sharing
- 6 funds for use in the implementation of permanent soil
- 7 and water conservation practices and the plan shall
- 8 accompany the application for loan. Loans under the
- 9 soil conservation loan program shall not be remitted
- 10 to the applicant until the applicant provides a receipt
- 11 that the implementation of the permanent soil and
- 12 water conservation practice is paid for and the
- 13 department of soil conservation certifies that the
- 14 practice is in conformance with the conservation
- 15 plan."

HUMMEL of Benton
PELLETT of Cass
DE GROOT of Lyon
ANDERSON of Audubon
HALVORSON of Webster

H-5223

- 1 Amend House File 2369 as follows:
- 2 1. Page 10, line 20, by inserting after the word
- 3 "OFFICER." the words "Before requesting a person to
- 4 take a chemical test, the peace officer shall advise
- 5 the person of the right to consult counsel and to
- 6 remain silent."

WELSH of Dubuque

H-5230

- 1 Amend House File 2369 as follows:
- 2 1. Page 10, by striking line 33 through page 11,
- 3 line 24.
- 4 2. Page 13, line 34, by striking the figure
- 5 "321B.7" and inserting in lieu thereof the words and
- 6 figure "9 of this Act".

HALVORSON of Clayton
LAGESCHULTE of Bremer
PELTON of Clinton
HARBOR of Mills

H-5232

- 1 Amend House File 2363 as follows:
2 1. Page 1, line 21, by inserting after the word
3 "district" the words "and the project for which the
4 loan is made has been approved by the district.
5 However, loans under the soil conservation loan program
6 for implementation of a permanent soil and water
7 conservation practice shall not be remitted to the
8 applicant until the applicant provides a receipt that
9 the implementation of the permanent soil and water
10 conservation practice is paid for and the soil
11 conservation district certifies that the practice
12 is in conformance with the conservation plan".

COCHRAN of Webster
KNAPP of Dubuque
WELSH of Dubuque
DAVITT of Warren
SULLIVAN of Van Buren

H-5241

- 1 Amend House File 2343 as follows:
2 1. Page 1, line 2, by striking the word
3 "subsection" and inserting in lieu thereof the word
4 "subsections".
5 2. Page 1, by inserting after line 10 the
6 following:
7 "NEW SUBSECTION. "Basic cable television" means
8 the ordinary cable programming which does not include
9 HBO, Nickelodeon, or other such extra options."
10 3. Page 1, line 20, by inserting after the word
11 "disconnection" the words "excluding the
12 installation, service, repair, or disconnection
13 attributable to basic cable television".
14 4. Title page, line 5, by inserting after the
15 word "to", the word "certain".

RENAUD of Polk
SWARTZ of Marshall
BYERLY of Polk
WOODS of Polk
CONNORS of Polk

H-5243

- 1 Amend House File 2066 as follows:
2 1. Page 1, lines 16 and 17, by striking the words
3 "or student directory information from the institutions
4 under its control".
5 2. Page 1, lines 27 and 28, by striking the words
6 "or its student directory information".

SHULL of Warren

H-5245

1 Amend Senate File 2084 as follows:

2 1. Page 4, by inserting after line 10 the
3 following:

4 "Sec. . Acts of the Sixty-ninth General
5 Assembly, Second Extraordinary 1981 Session, chapter
6 1, section 4, subsection 2, is amended to read as
7 follows:

8 2. Each odd-numbered senatorial district
9 established by section 41.2, which the general assembly
10 adopts by reference, and section 2 of this Act shall
11 elect a senator in 1982 for a four-year term commencing
12 in January, 1983. If an incumbent senator who was
13 elected to a four-year term which commenced in January,
14 1981, or was subsequently elected to fill a vacancy
15 in such a term, is residing in an odd-numbered
16 senatorial district on April 2 March 12, 1982, that
17 senator's term of office shall be terminated on January
18 1, 1983.

19 Sec. . Acts of the Sixty-ninth General Assembly,
20 Second Extraordinary 1981 Session, chapter 1, section
21 4, subsection 3, paragraph a, is amended to read as
22 follows:

23 a. If one and only one incumbent state senator
24 is residing in an even-numbered senatorial district
25 on April 2 March 12, 1982, and that senator was elected
26 to a four-year term which commenced in January, 1981
27 or was subsequently elected to fill a vacancy in such
28 a term, the senator shall represent the district in
29 the senate for the Seventieth General Assembly.

30 Sec. . Section 42.4, subsection 8, Code 1981,
31 is amended by adding the following new paragraph:
32 **NEW PARAGRAPH.** Paragraphs a and b do not apply
33 to amendments adopted in the year 1982.

34 Sec. . State senators shall notify the secretary
35 of state of their place of residence by five o'clock
36 p.m. on March 12, 1982. The secretary of state shall
37 present to the governor and the general assembly on
38 March 15, 1982, a list of senators who will represent
39 even-numbered senatorial districts for the Seventieth
40 General Assembly pursuant to Acts of the Sixty-ninth
41 General Assembly, Second Extraordinary 1981 Session,
42 chapter 1, section 4, subsection 3, paragraph a, as
43 amended by this Act. If this Act is published after
44 March 12, 1982, the March 12 deadline in this Act
45 shall be extended to two days following the effective
46 date of the Act and the March 15 deadline in this
47 Act shall be extended to five days following the
48 effective date of the Act."

49 2. By renumbering sections as necessary.

H-5246

1 Amend amendment H-5232 to House File 2363 as
2 follows:

3 1. Page 1, by striking lines 8 through 12 and
4 inserting in lieu thereof the words "applicant until
5 the applicant provides certification from the soil
6 conservation district that the implementation of the
7 permanent soil and water conservation practice is
8 completed and approved".

COCHRAN of Webster
KNAPP of Dubuque
WELSH of Dubuque
DAVITT of Warren
SULLIVAN of Van Buren

H-5247

1 Amend the Senate amendment, H-5237, to House File
2 2171 as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 10 the
5 following:

6 " . Page 1, line 22, by inserting after the
7 period the words "For any taxpayer who is a natural
8 person, the alternative minimum tax shall not apply
9 to capital gains realized from the involuntary sale
10 of a capital asset. The department may adopt rules
11 under chapter 17A to specify a sale which constitutes
12 an involuntary sale." "

SCHROEDER of Pottawattamie

H-5250

1 Amend the Senate amendment, H-5237, to House File
2 2171, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by striking lines 5 and 6 and inserting
5 in lieu thereof the following:

6 " . Page 11, line 6, by striking the figure
7 "2,".

8 . Page 11, line 6, by striking the figure
9 "13,".

10 . Page 11, by inserting after line 17 the
11 following new section:

12 "Sec. . Sections 2, 13, and 17 of this Act
13 shall take effect January 1, 1984 for tax years
14 beginning on or after that date." "

TYRRELL of Iowa

H-5262

- 1 Amend amendment H-5249 to the Senate amendment
- 2 H-5237 to House File 2171 as follows:
- 3 1. Page 1, by striking line 27 and inserting in
- 4 lieu thereof the following:
- 5 "2. Page 1, by inserting after line 12 the following:
- 6 " . Page 3, by inserting after line 27, the
- 7 following:
- 8 "Sec. . The Iowa development commission shall
- 9 study the".

BRUNER of Story

H-5269

- 1 Amend House File 2350 as follows:
- 2 1. Page 1, line 19, by striking the words "two
- 3 hundred fifty" and inserting in lieu thereof the words
- 4 "~~two hundred fifty~~ four hundred".

BRANDT of Black Hawk
SPEAR of Lee

H-5270

- 1 Amend House File 2218 as follows:
- 2 1. Page 3, by inserting after line 32 the
- 3 following:
- 4 "Sec. . Chapter 523A, Code 1981, is amended
- 5 by adding the following new section:
- 6 **NEW SECTION. SURETY BOND.**
- 7 1. The seller under contracts that are subject
- 8 to the trust requirements of this chapter shall
- 9 maintain a bond in the principal sum of twenty-five
- 10 thousand dollars that is issued by a corporate surety
- 11 company authorized to transact business in Iowa, and
- 12 in favor of the state of Iowa.
- 13 2. The bond required by subsection 1 shall be
- 14 held exclusively for the benefit of buyers under the
- 15 contracts who may be damaged by the failure of the
- 16 seller or the seller's employees or agents to comply
- 17 with the requirements of this chapter. The aggregate
- 18 liability of the surety for all breaches of the
- 19 conditions of the bond shall not exceed the principal
- 20 sum of the bond."

COREY of Louisa

H-5272

- 1 Amend House File 2350 as follows:
- 2 1. Page 1, by striking lines 4 and 5 and inserting
- 3 in lieu thereof the following: "either in the form
- 4 of food, rent or clothing, fuel and lights, medical
- 5 attendance, civil legal aid, or in money cash grants,
- 6 food, clothing, living quarters, fuel, necessary
- 7 utility services, medical or other health services,
- 8 civil legal aid, or other goods or services necessary
- 9 to alleviate a needy person's condition. Legal aid".

SPEAR of Lee

H-5273

- 1 Amend Senate File 537 as follows:
- 2 1. Page 1, line 21, by striking the word "The"
- 3 and inserting in lieu thereof the words "The Except
- 4 for the provisions of section 595.2, the".

SPEAR of Lee

H-5285

- 1 Amend House File 2406, as follows:
- 2 1. Page 6, line 29, by inserting after the
- 3 word "report." the following: "However, immunity
- 4 does not exist in favor of a person reporting
- 5 adult abuse if all adult abuse information
- 6 accumulated pursuant to the report is expunged
- 7 pursuant to section 235A.18, subsection 2."

MAULSBY of Calhoun

H-5288

- 1 Amend House File 2406 as follows:
- 2 1. Page 2, line 12, by striking the word "may"
- 3 and inserting in lieu thereof the words "is encouraged
- 4 to".

SPEAR of Lee

H-5289

- 1 Amend House File 2406 as follows:
- 2 1. Page 5, line 11, by inserting after the word
- 3 "volunteers" the words "and general relief recipients
- 4 required to work on public programs or projects".

SPEAR of Lee

H—5291

- 1 Amend House File 2400 as follows:
- 2 1. Page 1, line 33, by striking the number "148"
- 3 and inserting in lieu thereof the number "31".

CONLON of Muscatine

H—5292

- 1 Amend Senate File 537 as passed by the Senate,
- 2 as follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 and figures "section 596.2." the words and figures
- 5 "Section 595.11 does apply if the parties have not
- 6 complied with the licensing provisions of this chapter.
- 7 Section 595.11 does not apply if the certificate is
- 8 completed except for the signature of an officiating
- 9 cleric or magistrate and the certificate is returned
- 10 within 15 days of the solemnization of the marriage
- 11 with the consent of the parties."

SPEAR of Lee

H—5298

- 1 Amend House File 2364 as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "2" the words and figures ", except a motorized bicycle
- 4 as defined by section 321.1, subsection 3, paragraph
- 5 b".

JAY of Appanoose

H—5311

- 1 Amend House File 2367 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "prescribe" the words ", subject to the approval of
- 4 the county board of supervisors."

BRANDT of Black Hawk

H—5321

- 1 Amend the Senate amendment H—3828 to House File
- 2 804, as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 2, by inserting after line 44 the
- 5 following:
- 6 " . Page 17, by inserting after line 5 the

7 following:

8 "Sec. . Section 321.207, Code 1981 Supplement,

9 is amended to read as follows:

10 321.207 RECORD FORWARDED. Every court having
11 jurisdiction over offenses committed under this
12 chapter, or any other law of this state or any city
13 or county traffic ordinances, other than parking
14 regulations, regulating the operation of motor vehicles
15 on highways, shall forward to the department a record
16 of the conviction of any person in the court for a
17 violation of any said of those laws, and may recommend
18 the suspension of the operator's or chauffeur's license
19 of the person convicted, and the department shall
20 consider and act upon the recommendation. However,
21 a record of conviction for a scheduled excessive speed
22 violation of ten miles per hour or less over the
23 posted speed limit shall not be forwarded to the
24 department nor result in a license suspension or
25 revocation if the person signed the admission of
26 violation on the citation and complaint pursuant to
27 section 805.9, subsection 1." "

LIND of Black Hawk

H-5322

1 Amend House File 2343 as follows:

2 1. Page 1, line 2, by striking the word

3 "subsection" and inserting in lieu thereof the word

4 "subsections".

5 2. Page 1, by inserting after line 10 the

6 following:

7 "NEW SUBSECTION. "Basic cable television" means
8 the ordinary cable programming which does not include
9 HBO, cinemax, escapade, or other similar options for
10 which additional charges are made."

11 3. Page 1, line 20, by inserting after the word

12 "disconnection" the words ", excluding the
13 installation, service, repair, or disconnection
14 attributable to basic cable television".

15 4. Title page, line 5, by inserting after the
16 word "to" the word "certain".

RENAUD of Polk
SWARTZ of Marshall
BYERLY of Polk
WOODS of Polk
CONNORS of Polk

H-5324

- 1 Amend amendment H-5226 to House File 2363 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 6.

ANDERSON of Audubon
PELLETT of Cass
COOK of Hardin

H-5325

- 1 Amend House File 2363 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "and the acquisition of conservation farm equipment".
- 4 2. Page 1, by striking line 35 and inserting in
- 5 lieu thereof the words "practice which".
- 6 3. Page 2, line 1, by striking the words "or
- 7 acquire".
- 8 4. Page 2, line 4, by striking the words "or
- 9 acquisition".
- 10 5. Page 3, line 24, by striking the word
- 11 "subsections" and inserting in lieu thereof the word
- 12 "subsection".
- 13 6. Page 3, by striking lines 28 and 29.
- 14 7. Page 4, by striking line 6 and inserting in
- 15 lieu thereof the word "state."
- 16 8. Page 4, by striking lines 29 and 30 and
- 17 inserting in lieu thereof the words "the state."

ANDERSON of Audubon
PELLETT of Cass
COOK of Hardin

H-5326

- 1 Amend amendment H-5220 to House File 2363 as
- 2 follows:
- 3 1. Page 1, by striking lines 8 through 12.

ANDERSON of Audubon
PELLETT of Cass
COOK of Hardin

H-5328

- 1 Amend Senate File 438 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 11.
- 4 2. Page 1, by striking lines 14 through 16 and
- 5 inserting in lieu thereof the following:

- 6 "NEW SUBSECTION. Information contained in
7 applications for public employment which the applicant
8 requests be kept confidential when the disclosure
9 would cause needless and irreparable injury to that
10 individual's reputation; however, the applications
11 of the final five applicants who are among those
12 certified, selected or otherwise identified as the
13 best qualified and from whom the appointing authority
14 will make its final selection, shall be made public."
15 3. Page 1, by striking lines 17 through 21.
16 4. Amend the title, by striking lines 1 and 2
17 and inserting in lieu thereof the words "An Act to
18 allow certain information in applications for public
19 employment to be kept confidential."
20 5. By renumbering the sections to conform with
21 this amendment.

Committee on State Government

H-5331

- 1 Amend House File 2363 as follows:
2 1. Page 2, by inserting after line 7 the following:
3 "e. If a cooperator of a soil conservation district
4 qualifies for cost sharing under a federal program,
5 the cooperator is eligible for a loan request. In
6 granting these requests the authority shall give
7 preference to those with the lower net worths which
8 are to be calculated on the per acre ratio in
9 conjunction with critical need area statistics."

MAULSBY of Calhoun
SCHNEKLOTH of Scott
DE GROOT of Lyon
BRANSTAD of Winnebago
HARBOR of Mills

H-5333

- 1 Amend amendment H-5233B to House File 2363 as
2 follows:
3 1. Page 1, by inserting after line 8, the
4 following:
5 " Page 1, line 25, by inserting after the
6 period the following: "If a cooperator of a soil
7 conservation district qualifies for cost sharing under
8 a federal program, the cooperator is eligible for a loan
9 request. In granting these requests the authority shall
10 give preference to those with the lower net worths."

MAULSBY of Calhoun

H-5337

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, by striking lines 4 through 7 and
- 3 inserting in lieu thereof the following: "use it to
- 4 harass the tenant. Except in case of emergency or if
- 5 it is impracticable to do so, the landlord shall give
- 6 the tenant at least twenty-four hours' notice of the
- 7 landlord's intent to enter and enter only at reasonable
- 8 times. Upon".

POFFENBERGER of Dallas

H-5338

- 1 Amend House File 2412 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "notify" the words "in writing".
- 4 2. Page 1, line 10, by inserting after the word
- 5 "required." the following: "The school superintendent,
- 6 or the superintendent's designee, shall orally notify
- 7 as soon as possible the parent or legal guardian of a
- 8 student who is a passenger in a school bus or passenger
- 9 automobile or other vehicle used as a school bus which
- 10 is involved in an accident."

POFFENBERGER of Dallas

H-5342

- 1 Amend House File 2350 as follows:
- 2 1. Page 2, line 31, by adding the following after
- 3 the period: "The roster shall also include a listing
- 4 of each person's skills, interest and work experience."
- 5 2. Page 3, by striking line 3, and inserting in
- 6 lieu thereof the following: "skills, interests or work
- 7 experience of the person."

POFFENBERGER of Dallas

H-5343

- 1 Amend House File 2218, as follows:
- 2 1. Page 3, by striking lines 30 through 32 and
- 3 inserting in lieu thereof the following: "include
- 4 personal property which will become a part of the
- 5 real property at the time of interment, such as, but
- 6 not limited to, vaults, grave markers, tombstones
- 7 and monuments."

SCHROEDER of Pottawattamie

H-5353

- 1 Amend House File 2409, as follows:
- 2 1. By striking Page 3, line 23 through Page 4,
- 3 line 14.

KREWSON of Polk

H-5354

- 1 Amend House File 2413, as follows:
- 2 1. Page 1, by striking lines 21 and 22.
- 3 2. Page 1, by striking lines 29 through 33 and
- 4 inserting in lieu thereof the following: "years
- 5 preceding the petition."

SCHROEDER of Pottawattamie

H-5360

- 1 Amend House File 2343 as follows:
- 2 1. Page 1, by striking lines 1 through 10.
- 3 2. Page 1, line 20, by striking the words
- 4 "communication service;"
- 5 3. Title page, by striking lines 2 through 4
- 6 and inserting in lieu thereof the words "providing
- 7 that the tax".

JOHNSON of Linn

H-5362

- 1 Amend House File 2393 as follows:
- 2 1. By striking page 2, line 20 through page 3,
- 3 line 23 and inserting in lieu thereof the following:
- 4 "Sec. . NEW SECTION. A physician licensed
- 5 under chapter 148 or 150A shall remit to the treasurer
- 6 of state one hundred dollars for each abortion
- 7 performed by the physician. A clinic or a hospital
- 8 defined pursuant to section 135B.1 shall remit to
- 9 the treasurer of state one hundred dollars for each
- 10 abortion performed in the clinic or hospital. The
- 11 treasurer of state shall deposit the funds so received
- 12 in the general fund of the state."
- 13 2. Title page, lines 2 and 3, by striking the
- 14 words "providing an increase in certain fees" and
- 15 inserting in lieu thereof the words "charging a fee
- 16 to physicians and clinics and hospitals for abortions
- 17 performed".
- 18 3. By renumbering as necessary.

CLEMENTS of Scott

H—5363

- 1 Amend amendment H—5337 to House File 2389 as
- 2 follows:
- 3 1. By striking lines 2 through 8 and inserting
- 4 in lieu thereof the following:
- 5 "1. Page 1, line 7, by inserting after the word
- 6 "times," the words "The landlord may enter a dwelling
- 7 unit without prior notice between the hours of 9:00
- 8 a.m. and 6:00 p.m. on any day."

JOHNSON of Linn

H—5365

- 1 Amend House File 2350 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 252.27, unnumbered paragraph
- 5 1, Code 1981 Supplement, is amended to read as follows:
- 6 The board of supervisors shall determine the form
- 7 of the relief. However, legal aid shall be only in
- 8 civil matters and provided only through a legal aid
- 9 program approved by the board of supervisors. The
- 10 amount of assistance issued shall be determined by
- 11 standards of assistance established by the board of
- 12 supervisors. They may require any able-bodied person
- 13 to work on public programs or projects at the
- 14 prevailing local rate per hour in payment for and
- 15 as a condition of granting relief a recipient of
- 16 relief under this chapter to register for and to
- 17 accept employment under the conditions established
- 18 in section 2 of this Act. The labor shall be performed
- 19 under the direction of the officers having charge
- 20 of such public programs or projects. Subject to the
- 21 provisions of section 142.1, relief may consist of
- 22 the burial of nonresident indigent transients and
- 23 the payment of the reasonable cost of burial, not
- 24 to exceed two hundred fifty dollars.
- 25 Sec. 2. Chapter 252, Code 1981, is amended by
- 26 adding the following new section:
- 27 NEW SECTION. REGISTRATION AND WORK REQUIREMENTS.
- 28 1. Unless excluded under subsection 2, as a
- 29 condition for the receipt of relief under this chapter,
- 30 an applicant for or a recipient of relief or a
- 31 dependent of the applicant or recipient who is able
- 32 to engage in employment and who is unemployed, or
- 33 employed for less than the full working time for the
- 34 occupation in which he or she is engaged, shall
- 35 maintain a current registration for employment with
- 36 the appropriate employment offices established by

37 the department of job service under chapter 96, shall
38 utilize the job placement services and other facilities
39 of the offices and shall accept a bona fide offer
40 of employment which meets the conditions of this
41 section. However, aid may be granted or continued
42 for a temporary period, if federal law or regulation
43 so permits or requires, to a person who refuses
44 employment without good cause if the person accepts
45 counseling or other services designated to increase
46 motivation and incentives for accepting employment.
47 2. The persons listed in section 249C.1, subsection
48 5, paragraphs a through f are excluded from the
49 requirements of subsection 1 but they may voluntarily
50 comply.

Page 2

1 3. If a person subject to the requirements of
2 subsection 1 refuses without good cause to accept
3 a bona fide offer of employment in the community of
4 the person's residence or within a reasonable commuting
5 distance from the residence, relief under this chapter
6 for the person refusing the employment shall be de-
7 nied or terminated for as long as the refusal persists.
8 Good cause for refusal to accept a bona fide offer
9 of employment exists when the employment pays a wage
10 below the federal statutory minimum hourly wage or
11 when the employment involves a substantial threat
12 to the health or safety of the person to whom the
13 employment offer is made or to a dependent of the
14 person.

15 Sec. 3. Chapter 252, Code 1981, is amended by
16 adding the following new section:

17 NEW SECTION. WORK REQUIREMENTS FOR TAXING
18 DISTRICTS.

19 1. The general relief director of each county
20 shall maintain a current roster of all county residents
21 required to register for and accept bona fide offers
22 of employment under section 2 of this Act, and shall
23 make the roster available to each taxing district
24 within the general area of the county. For the pur-
25 poses of this section, taxing district includes a
26 county, a city, a township, any other local
27 governmental unit given the statutory authority to
28 independently tax its constituents, a school dis-
29 trict and a merged area.

30 2. In order to offer employment to a person
31 required to register and accept bona fide offers of
32 employment under section 2 of this Act a taxing
33 district shall:

34 a. Notify the person at least twenty-four hours

- 35 in advance of the time an initial period of work is
36 to begin.
- 37 b. Employ the person in work reasonably related
38 to the skills or interests of the person.
- 39 c. Limit the maximum number of required hours
40 to eight hours per day and forty hours per week.
- 41 d. Furnish necessary transportation to and from
42 the location of the work if the person is unable to
43 arrange for his or her own transportation.
- 44 e. Furnish one meal per day for each day in which
45 the person performs more than four hours of work,
46 if the person is unable to provide his or her own
47 meal.
- 48 f. Consider the person a regular employee of the
49 taxing district, but not the state, for purposes of
50 entitlement to participate in benefit programs of

Page 3

- 1 the taxing district, including but not limited to
2 workers' compensation and unemployment compensation.
- 3 The taxing district shall not employ the person
4 to replace a regular employee.
- 5 3. The person selected to work shall receive
6 credit against the person's relief benefits or the
7 person's relief benefits for dependents under this
8 chapter based on an hourly wage at or above the federal
9 statutory minimum hourly wage. If the person receives
10 credit equal to the amount of the sum of the person's
11 relief benefits and the person's relief benefits for
12 dependents, the taxing district employing the person
13 shall pay the person for additional work at a rate
14 at or above the federal statutory minimum hourly wage.
15 If the person consistently earns wages above the
16 person's usual amount of relief benefits, the taxing
17 district may consider the person a regular employee,
18 and after notification to the person of regular
19 employee status, the taxing district shall not be
20 required to meet the conditions specified in subsection
21 2."

EGENES of Story
SMALLEY of Polk
DIEMER of Black Hawk

H—5370

- 1 Amend Senate File 393 as passed by the Senate,
2 as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:

5 "Section 1. Section 455C.1, Code 1981, is amended
6 by adding the following new subsections:

7 NEW SUBSECTION. "Redemption center" means a
8 facility at which consumers may redeem empty beverage
9 containers and receive payment for the refund value
10 of the empty beverage containers.

11 NEW SUBSECTION. "Approved redemption center" means
12 a redemption center designated by one or more dealers
13 to serve for them and approved by the department under
14 section 455C.6.

15 NEW SUBSECTION. "Unapproved redemption center"
16 means a redemption center established under section
17 455C.7 and includes a person who solicits or picks
18 up empty beverage containers from a dealer for the
19 purpose of returning the empty beverage containers
20 to a distributor or manufacturer but does not include
21 a person who enters into an agreement with a
22 distributor under section 455C.13.

23 Sec. 2. Section 455C.2, subsection 2, Code 1981,
24 is amended to read as follows:

25 2. In addition to the refund value provided in
26 subsection 1 of this section, a dealer, or person
27 operating a an approved redemption center, who redeems
28 empty beverage containers or an unapproved redemption
29 center shall be reimbursed by the distributor required
30 to accept the empty beverage containers an amount
31 which is one cent two cents per container. A dealer
32 or person operating a redemption center or an
33 unapproved redemption center may compact empty metal
34 beverage containers with the approval of the
35 distributor required to accept such the container.

36 Sec. 3. Section 455C.3, subsection 2, Code 1981,
37 is amended to read as follows:

38 2. A distributor shall accept and pick up from
39 a dealer served by the distributor or a an approved
40 redemption center for a dealer served by the
41 distributor any empty beverage container of the kind,
42 size and brand sold by the distributor, and shall
43 pay to the dealer or person operating a redemption
44 center the refund value of a beverage container and
45 the reimbursement as provided under section 455C.2.
46 This subsection shall not apply to a distributor
47 selling alcoholic liquor to the Iowa beer and liquor
48 control department.

49 Sec. 4. Section 455C.3, Code 1981, is amended
50 by adding the following new subsection:

Page 2

1 NEW SUBSECTION. A distributor shall accept from
2 an unapproved redemption center any empty beverage

- 3 container of the kind, size and brand sold by the
4 distributor and which was picked up or solicited by
5 the unapproved redemption center from a dealer within
6 the geographic territory served by the distributor
7 and the distributor shall pay the unapproved redemption
8 center the refund value of the empty beverage container
9 and the reimbursement as provided in section 455C.2.
10 Sec. 5. Section 455C.4, Code 1981, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. A manufacturer or distributor
13 may refuse to accept and to pay the refund value and
14 reimbursement as provided in section 455C.2 on any
15 empty beverage container that was picked up or
16 solicited by an unapproved redemption center from
17 a dealer outside the geographic territory served by
18 the manufacturer or distributor."

Committee on Energy

H-5373

- 1 Amend House File 2389 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting in lieu thereof the following: "use it to
4 harass the tenant. Except in case of emergency or if
5 it is impracticable to do so, the landlord shall give
6 the tenant at least twenty-four hours' notice of the
7 landlord's intent to enter and enter only at reasonable
8 times. Upon".

FEY of Scott
RAPP of Black Hawk
ARNOULD of Scott

H-5374

- 1 Amend House File 2389, as follows:
2 1. Page 1, line 11, by inserting after the word
3 "entrance," the following: "The note must include
4 the landlord's reason for entering the dwelling unit
5 and state what actions, if any, were taken by the
6 landlord while in the dwelling unit."

STURGEON of Woodbury

H-5378

- 1 Amend House File 2389 as follows:
2 1. Page 1, by inserting after line 11, the following:
3 "Sec. . Section 562A.19, subsection 1, Code 1981,
4 is amended by striking the subsection."

ROSENBERG of Story

H-5379

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, line 7, by inserting the following after
- 3 the word "times.": "If the tenant gives notice regarding
- 4 the need for repairs, the landlord has the right to enter
- 5 for the purpose of implementing repairs during the
- 6 fourteen day period following receipt of the notice."

ROSENBERG of Story

H-5380

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "tenant." the following: "A landlord has the right to
- 4 enter a dwelling unit within thirty days of the
- 5 expiration of a lease for the purpose of showing the
- 6 dwelling unit to prospective tenants."

ROSENBERG of Story

H-5381

- 1 Amend House File 2402 as follows:
- 2 1. Page 1, by inserting after line 26, the following:
- 3 "Sec. . Section 321.423, subsection 5, paragraph
- 4 a, Code 1981, is amended by striking the paragraph."

WELSH of Dubuque

H-5384

- 1 Amend House File 2402, as follows:
- 2 1. Page 1, by striking lines 1 through 26 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 321.423, subsection 2, is
- 5 amended by adding the following new lettered
- 6 paragraph:
- 7 NEW LETTERED PARAGRAPH. On a motor vehicle
- 8 being operated by a member in good standing of a
- 9 volunteer organized ambulance or rescue department,
- 10 who is not a full-time paid member of the department."

WELSH of Dubuque

H-5387

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, by inserting after line 11, the
- 3 following new paragraph:

- 4 "NEW PARAGRAPH. The landlord may only enter a
5 dwelling unit, except in case of emergency, during
6 reasonable hours. Reasonable hours are between nine
7 o'clock a.m. and noon, and between one o'clock p.m.
8 and five o'clock p.m., and between seven o'clock p.m.
9 and nine o'clock p.m."

ARNOULD of Scott

H-5388

- 1 Amend House File 2389 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "times." the words: "The landlord shall be required
4 to knock on the door before entering a dwelling unit."

STURGEON of Woodbury
O'KANE of Woodbury

H-5389

- 1 Amend House File 2389 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "tenant." the words: "A routine inspection, not
4 involving repairs, may be conducted only after the
5 landlord has given the tenant twenty four hours notice
6 of the landlord's intent to enter and entry shall only
7 be at reasonable times."

BRUNER of Story

H-5390

- 1 Amend House File 2389 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "tenant." the words: "An abuse shall constitute entry
4 into the dwelling unit more than once in any month,
5 unless in an emergency. Violation of this section
6 shall be punishable with a two hundred dollar fine for
7 each entry over one in any month."

STURGEON of Woodbury
O'KANE of Woodbury

H-5391

- 1 Amend House File 2389 as follows:
2 1. Page 1, line 4, by inserting after the word
3 "tenant." the following: "Before entering a dwelling
4 unit, the landlord shall inform the tenant of the

5 landlord's intent to enter and the time the landlord
6 expects to enter."

DODERER of Johnson
HANSON of Delaware
MULLINS of Kossuth
LLOYD-JONES of Johnson

H-5396

- 1 Amend House File 2406 as follows:
- 2 1. Page 1, by inserting after line 18 the
- 3 following:
- 4 "Adult abuse does not include depriving a dependent
- 5 adult of medical treatment if the dependent adult
- 6 is an adherent of a religion whose tenets and practices
- 7 call for reliance on spiritual means through prayer
- 8 alone in place of reliance on medical treatment."
- 9 2. Page 5, by inserting after line 27 the
- 10 following:
- 11 "The district court may enter an ex parte order
- 12 directing a peace officer to remove a dependent adult
- 13 from the dependent adult's home prior to the initiation
- 14 of action by the department under this subsection
- 15 if immediate removal is necessary to avoid imminent
- 16 danger to the life or health of the dependent adult."
- 17 3. Page 8, lines 4 and 5, by striking the words
- 18 "to the department".
- 19 4. Page 8, line 25, by striking the figure "1984"
- 20 and inserting in lieu thereof the figure "1985".
- 21 5. Page 8, by striking lines 31 and 32 and
- 22 inserting in lieu thereof the words and figure "and
- 23 make a final report to the first session of the
- 24 Seventy-first General Assembly meeting in the year
- 25 1985".

McKEAN of Jones

H-5397

- 1 Amend House File 2414 as follows:
- 2 1. Page 1, by inserting after line 16 the following:
- 3 "Sec. . Section 321.377, Code 1981, is amended
- 4 to read as follows:
- 5 321.377 SPEED OF SCHOOL BUS. No motor vehicle in
- 6 use as a school bus shall be operated at a speed in
- 7 excess of fifty-five miles per hour on any fully
- 8 controlled-access, divided, multilaned highways, inter-
- 9 state highways or on any four-lane primary highway.
- 10 When not in operation on an interstate highway system
- 11 or on any four-laned primary highway, the maximum speed

12 for a school bus shall be fifty miles per hour when used
13 for purposes of an educational trip or for transporting
14 pupils to and from any extracurricular activity, and
15 forty-five miles per hour at all other times. Any
16 violation of this section, by a driver, shall be deemed
17 sufficient cause for canceling his contract. For the
18 purpose of this section, interstate highways means those
19 highways included in the national system of interstate
20 highways designated by the federal highway administration
21 and this state."

POFFENBERGER of Dallas

H-5409

- 1 Amend amendment H-5374 to House File 2389 as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "unit" the words "and the names and addresses of any
- 5 people accompanying the landlord".

STURGEON of Woodbury

H-5412

- 1 Amend House File 2428 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "employed" the words "in this state".

SPEAR of Lee

H-5413

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, by striking lines 1 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 562A.13, subsection 1,
- 5 paragraph b, Code 1981, is amended to read as
- 6 follows:
- 7 b. An owner of the premises or a The owner or
- 8 owners of the premises and any person authorized to
- 9 act for and on behalf of the owner for the purpose
- 10 of service of process and for the purpose of
- 11 receiving and receipting for notices and demands."

DODERER of Johnson

H-5415

- 1 Amend House File 2435, as follows:
- 2 1. Page 1, by striking lines 1 through 9 and

3 inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. A private person
5 may acquire property to establish, use and
6 maintain a shooting range. After the property
7 and range are permanently located and improved by
8 the erection of buildings, breastworks, ramparts
9 or other works, a private person who acquires
10 title to property adversely affected by the use
11 of the range shall not maintain an action against
12 that private person to restrain, enjoin, or impede
13 that private person's use of the range."

HUMMEL of Benton

H-5416

1 Amend House File 2439 as follows:
2 1. Page 1, by inserting after line 3 the following:
3 "Sec. 2. This Act takes effect January 1 following
4 its enactment."

HUMMEL of Benton

H-5417

1 Amend the Senate amendment to House File 808, H-
2 5398, as follows:
3 1. Page 7, by inserting after line 40, the
4 following:
5 "Sec. . Section 321.109, subsection 1, Code
6 1981, is amended to read as follows:
7 1. The annual fee for all motor vehicles including
8 vehicles designated by manufacturers as station wagons,
9 except motor trucks exceeding three tons gross weight,
10 motor homes, multipurpose vehicles, ambulances,
11 hearses, motorcycles, and motor bicycles, shall be
12 equal to one percent of the value as fixed by the
13 department plus forty cents for each one hundred
14 pounds or fraction thereof of weight of vehicle, as
15 fixed by the department. The weight of a motor
16 vehicle, fixed by the department for registration
17 purposes, shall include the weight of a battery,
18 heater, bumpers, spare tire, and wheel.
19 PARAGRAPH DIVIDED. Provided, however, that However
20 for any new vehicle purchased in this state by a
21 nonresident for removal to the nonresident's state
22 of residence the purchaser may make application to
23 the county treasurer in the county of purchase for
24 a transit plate for which a fee of five dollars shall
25 be paid. And provided, however, that for any used
26 vehicle held by a registered dealer and not currently

27 registered in this state, or for any vehicle held
28 by an individual and currently registered in this
29 state, when purchased in this state by a nonresident
30 for removal to the nonresident's state of residence,
31 the purchaser may make application to the county
32 treasurer in the county of purchase for a transit
33 plate for which a fee of three dollars shall be paid.
34 The county treasurer shall issue a nontransferable
35 certificate of registration for which no refund shall
36 be allowed; and the transit plates shall be void
37 thirty days after issuance. Such purchaser may apply
38 for a certificate of title by surrendering the
39 manufacturer's or importer's certificate or certificate
40 of title, duly assigned as provided in this chapter.
41 In this event, the treasurer in the county of purchase
42 shall, when satisfied with the genuineness and
43 regularity of the application, and upon payment of
44 a fee of two dollars, issue a certificate of title
45 in the name and address of such nonresident purchaser
46 delivering the same to the person entitled thereto
47 as provided in this chapter."

48 2. Page 9, by inserting after line 11, the
49 following:

50 "Sec. . Section 321.122, subsection 1,

Page 2

1 unnumbered paragraph 1, Code 1981, is amended to read
2 as follows:

3 The annual registration fee for truck tractors,
4 road tractors, and motor trucks exceeding three tons
5 gross weight, except special trucks, shall be based
6 on the combined gross weight of the vehicle or
7 combination of vehicles. All such trucks, truck
8 tractors, or road tractors shall be registered for
9 a gross weight equal to or in excess of the unladen
10 weight of the vehicle or combination of vehicles.
11 The annual registration fee for such vehicles or
12 combination of vehicles shall be:"

13 3. Page 9, by striking lines 12 through 17 and
14 inserting in lieu thereof the following:

15 "Sec. . Section 321.122, subsection 1, paragraph
16 a, Code 1981, is amended by striking the paragraph."

17 4. By renumbering sections as necessary.

LIND of Black Hawk

H-5421

1 Amend House File 2436 as follows:

2 1. Page 1, line 4, by striking the word "the".

- 3 2. Page 1, by striking lines 5 and 6 and inserting
4 in lieu thereof the following: "federal statute or state
5 statute, within ten years,".

POFFENBERGER of Dallas

H-5426

- 1 Amend amendment H-5415 to House File 2435, as
2 follows:
3 1. Page 1, by striking lines 4 through 7 and
4 inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. After a private person
6 acquires property to establish, use, and maintain
7 a shooting range, and after the property and range
8 are permanently located and improved by".

SPEAR of Lee

H-5429

- 1 Amend House File 2443 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "owned" the word "by".
4 2. Page 1, line 15, by inserting after the period
5 the words "The state or local authority may lease
6 road maintenance equipment but shall not employ the
7 lessor or employees of the lessor to operate the
8 equipment."
9 3. Page 1, line 20, by striking the word "operated"
10 and inserting in lieu thereof the word "owned".

HUMMEL of Benton

H-5430

- 1 Amend Senate Concurrent Resolution 102 as amended
2 and passed by the Senate and found on pages 795 and
3 796 of the House Journal as follows:
4 1. Page 1, by striking lines 22 through 25.

CLEMENTS of Scott

H-5435

- 1 Amend House File 2439 as follows:
2 1. Page 1, by striking lines 1 and 2 and inserting
3 in lieu thereof the following:
4 "Section 1. Section 117.7, subsections 2, 3 and 5,
5 Code 1981, are amended by striking the subsections."

SCHROEDER of Pottawattamie

H-5437

- 1 Amend House File 2450 as follows;
- 2 1. Page 1, line 9, by inserting after the word
- 3 "instances." the following: "Funds from these trusts
- 4 shall not be used for the construction or purchase
- 5 of dormitories or residence halls."

CONNOLLY of Dubuque

H-5438

- 1 Amend Senate File 275 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking lines 3 through 12 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SECTION. INFORMATION FOR PAROLE BOARD. At
- 6 the time of committing a defendant to the custody
- 7 of the director of the division of adult corrections
- 8 for incarceration, the trial judge and prosecuting
- 9 attorney shall, and the defense attorney may, furnish
- 10 the board of parole with a full statement of their
- 11 recommendations relating to release or parole."

Committee on Judiciary and Law Enforcement

H-5445

- 1 Amend the amendment, H-5370, to Senate File 393
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by striking line 31 and inserting in
- 4 lieu thereof the following: "which is one cent per
- 5 container determined by contract between the parties.
- 6 A dealer".

CLARK of Cerro Gordo

H-5446

- 1 Amend House File 2443 as follows:
- 2 1. Page 1, by inserting after line 15 the following:
- 3 "Sec. . Section 321.377, Code 1981, is amended
- 4 to read as follows:
- 5 321.377 SPEED OF SCHOOL BUS. No motor vehicle in
- 6 use as a school bus shall be operated at a speed in
- 7 excess of fifty-five miles per hour on any fully
- 8 controlled-access, divided, multilaned highways, inter-
- 9 state highways or on any four-lane primary highway.
- 10 When not in operation on an interstate highway system
- 11 or on any four-laned primary highway, the maximum speed
- 12 for a school bus shall be fifty miles per hour when used

13 for purposes of an educational trip or for transporting
14 pupils to and from any extracurricular activity, and
15 forty-five miles per hour at all other times. Any
16 violation of this section, by a driver, shall be deemed
17 sufficient cause for canceling his contract. For the
18 purpose of this section, interstate highways means those
19 highways included in the national system of interstate
20 highways designated by the federal highway administration
21 and this state."

POFFENBERGER of Dallas

H-5453

- 1 Amend the amendment, H-5370, to Senate File 393
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "container." the following: "This subsection does
- 5 not apply to refillable beverage containers."

LIND of Black Hawk

H-5454

- 1 Amend the amendment, H-5370, to Senate File 393
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 50, by striking the word
- 4 "subsection" and inserting in lieu thereof the word
- 5 "subsections".
- 6 2. Page 2, by inserting after line 9 the following:
- 7 "NEW SUBSECTION. If a distributor or a distributor
- 8 who is also a dealer does not have facilities in a
- 9 general marketing area to redeem empty beverage
- 10 containers from an approved or unapproved redemption
- 11 center, the dealers selling the beverage containers
- 12 in the general marketing area shall accept the empty
- 13 beverage containers and pay the refund value and
- 14 reimbursement as provided in section 455C.2 to the
- 15 approved or unapproved redemption centers."

LIND of Black Hawk

H-5456

- 1 Amend House File 2463 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Section 455B.4, subsection 6, Code
- 5 1981, is amended to read as follows:
- 6 6. The executive director shall notify the
- 7 secretary of agriculture, the commissioner of public

8 health, the chief administrative officer of the
9 department of soil conservation, the director of the
10 Iowa natural resources council, the director of the
11 state conservation commission and the director of
12 the state hygienic laboratory of the scheduled meetings
13 of the commission.

14 Sec. 2. Section 455B.30, subsection 8, Code 1981,
15 is amended by striking the subsection.

16 Sec. 3. Section 455B.30, Code 1981, is amended
17 by adding the following new subsections:

18 **NEW SUBSECTION.** "Private water supply" means any
19 water supply for human consumption which has less
20 than fifteen service connections or regularly serves
21 less than twenty-five individuals.

22 **NEW SUBSECTION.** "Private sewage disposal system"
23 means a system for the treatment or disposal of
24 domestic sewage from four or fewer dwelling units.

25 Sec. 4. Section 455B.31, Code 1981, is amended
26 to read as follows:

27 455B.31 ADMINISTRATIVE AGENCY.

28 1. The department shall be is the agency of the
29 state to prevent, abate, or control water pollution
30 and to conduct the public water supply program.

31 2. The department is the state agency designated
32 to carry out the state responsibilities related to
33 private water supplies and private sewage disposal
34 systems. The commission shall adopt guidelines and
35 recommend standards for private water supplies and
36 private sewage disposal facilities. Each local board
37 of health is the agency to regulate private water
38 supplies and private sewage disposal systems. Each
39 local board of health shall adopt standards relating
40 to the design, construction, operation, and maintenance
41 of the private water supplies and private sewage
42 disposal facilities. The department shall encourage
43 the local boards of health to establish programs to
44 license and enforce the standards for private water
45 supplies and private sewage disposal facilities.

46 Sec. 5. Section 455B.32, subsection 4, Code 1981,
47 is amended by striking the subsection.

48 Sec. 6. Chapter 455B, division III, Code 1981,
49 is amended by adding sections 7 through 30 of this
50 Act as/a new part.

Page 2

1 Sec. 7. **NEW SECTION. DEFINITIONS.** As used in
2 this part of division III, unless the context otherwise
3 requires:

4 1. "Flood plains" means the area adjoining a river
5 or stream which has been or is covered by flood water.

6 2. "Floodway" means the channel of a river or
7 stream and those portions of the flood plains adjoining
8 the channel which are reasonably required to carry
9 and discharge the flood water or flood flow of any
10 river or stream.

11 3. "Surface water" means the water occurring on
12 the surface of the ground.

13 4. "Ground water" means that water occurring
14 beneath the surface of the ground.

15 5. "Diffused waters" means waters from
16 precipitation and snowmelt which is not a part of
17 any watercourse or basin including capillary soil
18 water.

19 6. "Depleting use" means the storage, diversion,
20 conveyance, or other use of a supply of water if the
21 use may impair rights of lower or surrounding users,
22 may impair the natural resources of the state, or
23 may injure the public welfare if not controlled.

24 7. "Beneficial use" means the application of water
25 to a useful purpose that inures to the benefit of
26 the water user and subject to the user's dominion
27 and control but does not include the waste or pollution
28 of water.

29 8. "Nonregulated use" means the application of
30 water for ordinary household purposes, use of water
31 for poultry, livestock, and domestic animals, any
32 beneficial use of surface flow from rivers bordering
33 this state, any existing beneficial uses of water
34 within the territorial boundaries of municipal
35 corporations on May 16, 1957, and any other beneficial
36 use of water by any person of less than twenty-five
37 thousand gallons per day. However, industrial users
38 of water, having their own water supply, within the
39 territorial boundaries of municipal corporations,
40 shall be regulated when their water use exceeds three
41 percent more than the highest per day beneficial use
42 prior to May 16, 1957.

43 9. "Regulated use" means any depleting use except
44 a use specifically designated as a nonregulated use.

45 10. "Permit" means a written authorization issued
46 by the executive director to a permittee which is
47 limited as to quantity, time, place, and rate of
48 diversion, storage, or withdrawal in accordance with
49 the policies and principles of beneficial use as
50 specified in this part.

Page 3

1 11. "Permittee" means a person who obtains a
2 permit from the executive director authorizing the
3 person to take possession by diversion or otherwise

4 and to use and apply an allotted quantity of water
5 for a designated beneficial use, and who makes actual
6 use of the water for that purpose.

7 12. "Waste" means any of the following:

8 a. Permitting ground water or surface water to
9 flow, or taking it or using it in any manner so that
10 it is not put to its full beneficial use.

11 b. Transporting ground water from its source to
12 its place of use in such a manner that there is an
13 excessive loss in transit.

14 c. Permitting or causing the pollution of a water-
15 bearing strata through any act which will cause salt
16 water, highly mineralized water, or otherwise
17 contaminated water to enter it.

18 13. "Watercourse" means any lake, river, creek,
19 ditch, or other body of water or channel having
20 definite banks and bed with visible evidence of the
21 flow or occurrence of water, except lakes or ponds
22 without outlet to which only one landowner is riparian.

23 14. "Basin" means a specific subsurface water-
24 bearing reservoir having reasonably ascertainable
25 boundaries.

26 15. "Established average minimum flow" means the
27 average minimum flow for a given watercourse at a
28 given point determined and established by the
29 commission. The "average minimum flow" for a given
30 watercourse shall be determined by the following
31 factors:

32 a. Average of minimum daily flows occurring during
33 the preceding years chosen by the commission as more
34 nearly representative of changing conditions and needs
35 of a given drainage area at a particular time.

36 b. Minimum daily flows shown by experience to
37 be the limit at which further withdrawals would be
38 harmful to the public interest in any particular
39 drainage area.

40 c. The minimum daily flows shown by established
41 discharge records and experiences to be definitely
42 harmful to the public interest.

43 The determination shall be based upon available
44 data, supplemented, when available data are incomplete,
45 with whatever evidence is available.

46 16. "Impounded or stored water" means that water
47 captured and stored on the land by anyone taking it
48 pursuant to this chapter, and the party impounding
49 the water shall become the absolute owner of the
50 stored water.

2 1. It is recognized that the protection of life
3 and property from floods, the prevention of damage
4 to lands from floods, and the orderly development,
5 wise use, protection, and conservation of the water
6 resources of the state by their considered and proper
7 use is of paramount importance to the welfare and
8 prosperity of the people of the state, and to realize
9 these objectives, it is the policy of the state to
10 correlate and vest the powers of the state in a single
11 agency, the department of environmental quality, with
12 the duty and authority to establish and enforce an
13 appropriate comprehensive state-wide program for the
14 control, utilization, and protection of the surface
15 and ground-water resources of the state. The general
16 welfare of the people of the state requires that the
17 water resources of the state be put to beneficial
18 use to the fullest extent possible, and that the waste
19 or unreasonable use, or unreasonable methods of use,
20 of water be prevented, and that the conservation of
21 water resources be exercised with the view to their
22 reasonable and beneficial use in the interest of the
23 people, and that the public and private funds for
24 the promotion and expansion of the beneficial use
25 of water resources be invested to the end that the
26 best interests and welfare of the people are served.

27 2. Water occurring in a basin or watercourse,
28 or other natural body of water of the state, is public
29 water and public wealth of the people of the state
30 and subject to use in accordance with this chapter,
31 and the control and development and use of water for
32 all beneficial purposes is vested in the state, which,
33 in the exercise of its police powers, shall take
34 measures to effectuate full utilization and protection
35 of the water resources of the state.

36 Sec. 9. NEW SECTION. WATER RESOURCES ADVISORY
37 COUNCIL.

38 1. An advisory council on water resources is
39 created to advise the commission on matters related
40 to water resources, water use, flood plain management,
41 and other matters as the commission may request.

42 2. The advisory council shall consist of nine
43 members appointed by the commission, who shall be
44 selected from the residents of the state solely with
45 regard to their qualifications and fitness to discharge
46 the duties of the council and without regard to their
47 political affiliation.

48 3. The members of the advisory council who are
49 not in the full-time employment of a public agency
50 shall be paid a per diem of forty dollars while engaged

Page 5

1 in the performance of the duties of office. Members
2 shall be reimbursed for their actual and necessary
3 expenses while performing the duties of office. Per
4 diem and expenses shall be paid from funds appro-
5 priated to the department.

6 4. The advisory council shall organize by the
7 election of a chairperson and shall meet quarterly
8 or as it deems necessary. The chairperson shall be
9 elected annually at the meeting of the advisory council
10 held in July. Meetings may be called by the
11 chairperson and shall be called by the chairperson
12 as regularly scheduled or at the request of the commis-
13 sion. A majority of the advisory council is a quorum
14 and the concurrence of a majority of the advisory
15 council is required for determination of matters
16 within its powers and duties.

17 5. The commission shall establish the scope of
18 the duties of the advisory council and shall define
19 the manner in which the advisory council assists the
20 commission in the discharge of its duties.

21 6. The advisory council and the terms of its
22 members shall expire two years from the effective
23 date of this Act unless the advisory council is
24 continued by law upon recommendation of the commission.
25 The recommendation shall include a detailed proposal
26 for the functions and duties of a permanent council
27 and the size and representation of the council.

28 Sec. 10. NEW SECTION. EMINENT DOMAIN—GIFTS.

29 1. For the purposes of this part, the commission
30 has the right to exercise the power of eminent domain.
31 The provisions of law relating to condemnation of
32 land for public state purposes shall apply to the
33 extent applicable. The executive council shall
34 institute and maintain the condemnation proceedings.

35 2. The commission may accept gifts, contributions,
36 donations and grants, and use them for any purpose
37 within the scope of this part.

38 Sec. 11. NEW SECTION. TITLE TO LAND AND OTHER
39 PROPERTY. The title to all lands, easements, or other
40 interests in land, or other property or rights acquired
41 by the commission shall be approved by the attorney
42 general and taken in the name of the state.

43 Sec. 12. NEW SECTION. POWERS AND DUTIES.

44 1. The commission shall establish and enforce
45 a comprehensive statewide plan for the control,
46 utilization, and protection of the water resources
47 of the state, which plan shall include all uses and
48 developments of water resources and shall provide
49 for the optimum control, protection, development,
50 utilization, and allocation of water resources,

Page 6

1 including the relative priority of each user group
2 for water allocation and the development of criteria
3 for the commission to establish by rule the relative
4 priority of each water source for use. All uses and
5 developments of water resources regulated under this
6 part must be found to be compatible with the state
7 comprehensive plan after its adoption prior to the
8 granting of a permit by the executive director or
9 an approval order by the commission. In making and
10 formulating the state comprehensive plan for the
11 future control, development, protection, allocation,
12 and utilization of the water resources of the state,
13 the department shall make surveys and investigations
14 of the water resources of the state and shall give
15 consideration to the needs of agriculture, industry,
16 health, fish and wildlife, recreation, pollution,
17 and allied matters as they relate to flood control
18 and water resources. Before implementation of the
19 statewide plan, the commission shall submit the plan
20 to the general assembly which shall approve or
21 disapprove the plan pursuant to a concurrent resolu-
22 tion. Approval of the plan shall require the
23 affirmative vote of a majority of the members of each
24 house of the general assembly.

25 2. The commission shall designate the official
26 representative of this state on all comprehensive
27 water resources planning groups for which state
28 participation is provided. The commission shall
29 coordinate state planning with local and national
30 planning and, in safeguarding the interests of the
31 state and its people, shall undertake the resolution
32 of any conflicts that may arise between the water
33 resources policies, plans, and projects of the federal
34 government and the water resources policies, plans,
35 and projects of the state, its agencies, and its
36 people. This section, assigning the overall respon-
37 sibility for comprehensive planning of water resources
38 to the commission, does not limit or supplant the
39 functions, duties, and responsibilities of other state
40 or local agencies or institutions with regard to
41 planning of water-associated projects within the
42 particular area of responsibility of those state or
43 local agencies or institutions.

44 3. The commission shall enter into negotiations
45 and agreements with the federal government relative
46 to the operation of, or the release of water from,
47 any project that has been authorized or constructed
48 by the federal government when the commission deems
49 the negotiations and agreements to be necessary for
50 the achievement of the policies of this state rela-

Page 7

1 tive to its water resources.

2 4. The commission, on behalf of the state, shall
3 enter into negotiations with the federal government
4 relative to the inclusion of conservation storage
5 features for water supply in any project that has
6 been authorized by the federal government when the
7 commission deems the negotiations to be necessary
8 for the achievement of the policies of this state
9 and the state comprehensive plan for water resources,
10 however, an agreement reached pursuant to these
11 negotiations does not bind the state until enacted
12 into law by the general assembly.

13 5. A water user who benefits from the development
14 by the federal government of conservation storage
15 for water supply shall be encouraged to assume the
16 responsibility for repaying to the federal government
17 any reimbursable costs incurred in the development,
18 and a user who accepts benefits from the developments
19 financed in whole or part by the state shall assume
20 by contract the responsibility of repaying to the
21 state the user's reasonable share of the state's
22 obligations in accordance with a basis which will
23 assure payment within the life of the development.
24 An appropriation, diversion, or use shall not be made
25 by a person of any waters of the state that have been
26 stored or released from storage either under the
27 authority of the state or pursuant to an agreement
28 between the state and the federal government until
29 the person has assumed by contract the person's
30 repayment responsibility. However, this subsection
31 does not infringe upon any vested property interests.

32 6. In its contracts with water users for the
33 payment of state obligations incurred in the
34 development of conservation storage for water supply,
35 the commission shall include the terms deemed
36 reasonable and necessary:

37 a. To protect the health, safety, and general
38 welfare of the people of the state.

39 b. To achieve the purposes of this chapter.

40 c. To provide that the state is not responsible
41 to any person if the waters involved are insufficient
42 for performance.

43 The commission may designate and describe any such
44 contract, and describe the relationships to which
45 it relates, as a sale of storage capacity, a sale
46 of water release services, a contract for the storage
47 or sale of water, or any similar terms suggestive
48 of the creation of a property interest. The term
49 of the contracts shall be commensurate with the
50 investment and use concerned, but the commission shall

Page 8

1 not enter into any such contract for a term in excess
2 of the maximum period provided for water use permits.

3 7. The commission shall procure flood control
4 works and water resources projects from or by
5 cooperation with any agency of the United States,
6 by cooperation with the cities and other subdivisions
7 of the state under the laws of the state relating
8 to flood control and use of water resources, and by
9 cooperation with the action of landowners in areas
10 affected by the works or projects when the commissioner
11 deems the projects to be necessary for the achievement
12 of the policies of this state and the state
13 comprehensive plan for water resources.

14 8. The commission shall promote the policies set
15 forth in this part and shall represent this state
16 in all matters within the scope of this part. The
17 commission shall adopt rules pursuant to chapter 17A
18 as necessary to transact its business and for the
19 administration and exercise of its powers and duties.

20 Sec. 13. NEW SECTION. JURISDICTION—DIVERSION
21 OF WATER.

22 1. The commission has jurisdiction over the public
23 and private waters in the state and the lands adjacent
24 to the waters necessary for the purposes of carrying
25 out this part. The commission may construct flood
26 control works or any part of the works. In the
27 construction of the works, in making surveys and
28 investigations, or in formulating plans and programs
29 relating to the water resources of the state, the
30 commission may cooperate with an agency of another
31 state or the United States, or with any other person.

32 2. Upon application by any person for permission
33 to divert, pump, or otherwise take waters from any
34 watercourse, underground basin or watercourse, drainage
35 ditch, or settling basin within this state for any
36 purpose other than a nonregulated use, the executive
37 director shall investigate the effect of the use upon
38 the natural flow of the watercourse, the effect of
39 the use upon the owners of any land which might be
40 affected by the use, and the effect of the use upon
41 the state comprehensive plan for water resources.

42 3. Upon application by any person for approval
43 of the construction or maintenance of any structure,
44 dam, obstruction, deposit, or excavation to be erected,
45 used, or maintained in or on the flood plans of any
46 river or stream, the executive director shall
47 investigate the effect of the construction or
48 maintenance project on the efficiency and capacity
49 of the floodway and on the state comprehensive plan
50 for water resources. In determining the effect of

Page 9

1 the proposal the executive director shall consider
2 fully its effect on flooding of or flood control for
3 any proposed works and adjacent lands and property,
4 on the wise use and protection of water resources,
5 on the quality of water, on fish, wildlife, and
6 recreational facilities or uses, and on all other
7 public rights and requirements.

8 Sec. 14. NEW SECTION. PERMITS FOR DIVERSION,
9 STORAGE, AND WITHDRAWAL. If the executive director
10 determines after due investigation that the diversion,
11 storage, or withdrawal of water will not be detrimental
12 to the public interests, including drainage and levee
13 districts, or to the interests of property owners
14 with prior or superior rights who may be affected,
15 the executive director shall grant a permit for the
16 diversion, storage, or withdrawal. Permits may be
17 granted for any period of time not exceeding ten years
18 except permits for the storage of water which may
19 be granted for the life of the structure unless
20 withdrawn for good cause. All existing storage permits
21 are extended for the life of the structure unless
22 withdrawn for good cause. Permits may be granted
23 which provide for less diversion, storage, or
24 withdrawal of waters than set forth in the application.
25 A permit granted shall remain as an appurtenance of
26 the land described in the permit through the date
27 specified in the permit and any extension of the
28 permit or until earlier date if the permit or any
29 extension of the permit is modified or canceled under
30 section 20 of this Act. Upon application for a permit
31 prior to the termination date specified in the permit,
32 a permit may be renewed by the executive director
33 for any period of time not to exceed ten years.

34 Sec. 15. NEW SECTION. PRIORITY OF PERMITS FOR
35 DIVERSION, STORAGE, AND WITHDRAWAL.

36 1. In the consideration of applications for
37 permits, priority in processing shall be given to
38 persons in the order that the applications are
39 received. The executive director or the commission
40 on appeal shall determine the duration and frequency
41 of withdrawal and the quantity of water for which
42 a permit may be granted. The use of water for ordinary
43 household purposes, and for poultry, livestock, and
44 domestic animals shall have priority over other uses.
45 Any person with an existing irrigation system in use
46 prior to May 16, 1957, shall be issued a permit to
47 continue unless its use damages some other riparian
48 user. In the consideration of applications for per-
49 mits by regulated users, the declared policies and
50 principles of beneficial use as set forth in this

Page 10

1 part are the standards for the determination of the
2 disposition of the applications for permits. If there
3 is competition for water, the use of water for
4 irrigation except for research has a lower priority
5 than other beneficial uses of water subject to
6 conditions which the commission may establish by rule.
7 This part does not impair the vested right of any
8 person.

9 2. When permits are modified or canceled, priority
10 for permits shall be given to applicants or permit
11 holders who use water for agricultural research.
12 This subsection does not give priority to those
13 applicants or permit holders in preference to other
14 classes granted priority by this section.

15 Sec. 16. NEW SECTION. PERMITS FOR BENEFICIAL
16 USE—PROHIBITIONS.

17 1. The executive director and the commission may
18 issue a permit for beneficial use of water in a
19 watercourse if the established average minimum water
20 flow is preserved.

21 2. A use of water shall not be authorized if it
22 will impair the effect of this chapter or any other
23 pollution control law of this state.

24 3. A permit shall not be issued or continued if
25 it will impair the navigability of any navigable
26 watercourse.

27 Sec. 17. NEW SECTION. WHEN PERMIT REQUIRED.

28 1. A permit shall be required for the following:

29 a. A municipal corporation or a person supplying
30 a municipal corporation which increases its water
31 use in excess of one hundred thousand gallons or three
32 percent, whichever is the greater, per day more than
33 its highest per day beneficial use prior to May 16,
34 1957. The corporation or person shall make reasonable
35 provision for the storage of water at times when the
36 daily use of the water by the corporation or person
37 is less than the amount specified in this subsection.

38 b. Except for a nonregulated use, a person using
39 in excess of twenty-five thousand gallons of water
40 per day, diverted, stored, or withdrawn from any
41 source of supply except a municipal water system or
42 any other source specifically exempted under this
43 part.

44 c. A person who diverts water or any material
45 from the surface directly into an underground
46 watercourse or basin. However, a diversion of water
47 or material from the surface directly into an
48 underground watercourse or basin existing upon May
49 16, 1957, does not require a permit if the diversion
50 does not create waste or pollution.

Page 11

1 d. Industrial users of water having their own
2 water supply within the territorial boundaries of
3 municipal corporations when the water use exceeds
4 three percent more than the highest per day beneficial
5 use prior to May 16, 1957.

6 2. The commission may adopt, modify, or repeal
7 rules specifying the conditions under which the
8 executive director may authorize specific nonrecurring
9 minor uses of water for periods not to exceed one
10 year through registration.

11 3. Notwithstanding any exemptions from permit
12 requirements, nothing in this part exempts water users
13 from requirements for reporting which the commission
14 adopts by rule.

15 **Sec. 18. NEW SECTION. TAKING WATER PROHIBITED.**

16 A person shall not take water from a natural
17 watercourse, underground basin or watercourse, drainage
18 ditch, or settling basin within this state for any
19 purpose other than a nonregulated use except in
20 compliance with this part. However, existing uses
21 may be continued during the period of the pendency
22 of an application for a permit.

23 **Sec. 19. NEW SECTION. RIGHTS PRESERVED.** This
24 part does not deprive any person of the right to use
25 diffused waters, to drain land by use of tile, open
26 ditch, or surface drainage, or to construct an
27 impoundment on the person's property or across a
28 stream that originates on the person's property if
29 provision is made for safe construction and for a
30 continued established average minimum flow when the
31 flow is required to protect the rights of water users
32 below.

33 **Sec. 20. NEW SECTION. MODIFICATION OR CANCELLATION**

34 **OF PERMITS.** Each permit issued under this part is
35 irrevocable for its term and for any extension of
36 its term except as follows:

37 1. A permit may be modified or canceled by the
38 executive director with the consent of the permittee.

39 2. Subject to appeal to the commission, a permit
40 may be modified or canceled by the executive director
41 if any of the following occur:

42 a. There is a breach of the terms of the permit.

43 b. There is a violation of the law pertaining
44 to the permit by the permittee or the permittee's
45 agents.

46 c. There is a circumstance of nonuse as provided
47 in section 21 of this Act.

48 d. The executive director finds that modification
49 or cancellation is necessary to protect the public
50 health or safety, to protect the public interests

Page 12

1 in lands or waters, or to prevent substantial injury
2 to persons or property in any manner. Before the
3 modification or cancellation is effective, the
4 executive director shall give at least thirty days'
5 written notice mailed to the permittee at the
6 permittee's last known address, stating the grounds
7 of the proposed modification or cancellation and
8 giving the permittee an opportunity to be heard on
9 the proposal.

10 3. By written order to the permittee, the executive
11 director may suspend operations under a permit if
12 the executive director finds it necessary in an
13 emergency to protect the public health or safety,
14 to protect the public interest in lands or waters
15 against imminent danger of substantial injury in any
16 manner or to an extent not expressly authorized by
17 the permit, or to protect persons or property against
18 the danger. The executive director may require the
19 permittee to take measures necessary to prevent or
20 remedy the injury, but an order shall not be in effect
21 for more than thirty days from the date of issue
22 without giving the permittee at least ten days' written
23 notice of the order and an opportunity to be heard
24 on the order.

25 Sec. 21. NEW SECTION. TERMINATION OF PERMIT.

26 The right of the permittee and the permittee's
27 successors to the use of water shall terminate when
28 the permittee or the permittee's successors fail for
29 three consecutive years to use it for the specific
30 beneficial purpose authorized in the permit and, after
31 notification by the executive director of intent to
32 cancel the permit for nonuse, the permittee or the
33 permittee's successors fail to demonstrate adequate
34 plans to use water within a reasonable time.

35 Sec. 22. NEW SECTION. DISPOSAL OF PERMIT. A

36 permittee may sell, transfer, or assign a permit by
37 conveying, leasing, or otherwise transferring the
38 ownership of the land described in the permit, but
39 the permit does not constitute ownership or absolute
40 rights of use of the waters. The waters remain sub-
41 ject to the principle of beneficial use and the orders
42 of the executive director or commission.

43 Sec. 23. NEW SECTION. POWER OF EMINENT DOMAIN.

44 The state of Iowa or a subdivision of the state, for
45 the purpose of carrying out any permission granted
46 under this part may exercise the power of eminent
47 domain.

48 Sec. 24. NEW SECTION. UNAUTHORIZED DEPLETING

49 USES. If a person files a complaint with the executive
50 director that another person is making a depleting

Page 13

1 use of water not expressly exempted as a nonregulated
2 use under this part and without a permit to do so,
3 the executive director shall cause an investigation
4 to be made and if the facts stated in the complaint
5 are verified the executive director shall order the
6 discontinuance of the use.

7 Sec. 25. NEW SECTION. PROHIBITED ACTS—POWERS
8 OF COMMISSION AND EXECUTIVE DIRECTOR.

9 1. A person shall not erect, use or maintain a
10 structure, deposit, or excavation in or on a floodway
11 or flood plains, which will adversely affect the ef-
12 ficiency of or unduly restrict the capacity of the
13 floodway, adversely affect the control, development,
14 protection, allocation, or utilization of the water
15 resources of the state, or adversely affect or
16 interfere with the state comprehensive plan for water
17 resources or an approved local water resources plan,
18 and the same are declared to be public nuisances.
19 However, this subsection does not apply to dams
20 constructed and operated under the authority of chapter
21 469.

22 2. The executive director may commence, maintain,
23 and prosecute any appropriate action to enjoin or
24 abate a nuisance, including any of the nuisances
25 specified in subsection 1 and any other nuisance which
26 adversely affects flood control.

27 3. If a person desires to erect or make or to
28 permit a structure, dam, obstruction, deposit or
29 excavation, other than a dam constructed and operated
30 under chapter 469, to be erected, made, used, or
31 maintained in or on any floodway or flood plains,
32 the person shall file a verified written application
33 with the executive director, setting forth information
34 as required by rule of the commission. The executive
35 director, after an investigation, shall approve or
36 deny the application imposing conditions and terms
37 as prescribed by the executive director.

38 4. The executive director may maintain an action
39 in equity to enjoin a person from erecting or making
40 or permitting to be made a structure, dam, obstruction,
41 deposit, or excavation other than a dam constructed
42 and operated under the authority of chapter 469, for
43 which a permit has not been granted. The executive
44 director may also abate as a public nuisance any
45 structure, dam, obstruction, deposit, or excavation
46 erected or made without the permit required under
47 this part within one year of cessation of con-
48 struction. The costs of the abatement shall be borne
49 by the violator.

50 5. The executive director may remove or eliminate

Page 14

1 a structure, dam, obstruction, deposit, or excavation
2 in a floodway which adversely affects the efficiency
3 of or unduly restricts the capacity of the floodway,
4 by an action in condemnation, and in assessing the
5 damages in the proceeding, the appraisers and the
6 court shall take into consideration whether the
7 structure, dam, obstruction, deposit, or excavation
8 is lawfully in or on the floodway in compliance with
9 this part.

10 6. The executive director may require, as a
11 condition of an approval order or permit granted
12 pursuant to this part or chapter 469, the furnishing
13 of a performance bond with good and sufficient surety,
14 conditioned upon full compliance with the order or
15 permit and the rules of the commission. In determining
16 the need for and amount of bond, the executive director
17 shall give consideration to the hazard posed by the
18 construction and maintenance of the approved works
19 and the protection of the health, safety, and welfare
20 of the people of the state. This subsection does
21 not apply to orders or permits granted to a
22 governmental entity.

23 7. When approving a request to straighten a stream,
24 the executive director or commission may establish
25 as a condition of approval a permanent prohibition
26 against tillage of land owned by the person receiving
27 the approval and lying within a minimum distance from
28 the stream sufficient in the judgment of the director
29 or commission to hold soil erosion to reasonable
30 limits. The executive director shall record the
31 prohibition in the office of the county recorder of
32 the appropriate county and the prohibition shall
33 attach to the land.

34 8. The commission shall establish, by rule,
35 thresholds for dimensions and effects, and any
36 structure, dam, obstruction, deposit, or excavation
37 having smaller dimensions and effects than those es-
38 tablished by the commission is not subject to regu-
39 lation under this section. The thresholds shall be
40 established so that only those structures, dams,
41 obstructions, deposits, or excavations posing a
42 significant threat to the well-being of the public
43 and the environment are subject to regulation.

44 **Sec. 26. NEW SECTION. FLOOD PLAINS—ENCROACHMENT**
45 **LIMITS.** The commission may establish and enforce
46 rules for the orderly development and wise use of
47 the flood plains of any river or stream within the
48 state and alter, change, or revoke the rules. The
49 commission shall determine the characteristics of
50 floods which reasonably may be expected to occur and

Page 15

1 may establish by order encroachment limits, protection
2 methods, and minimum protection levels appropriate
3 to the flooding characteristics of the stream and
4 to reasonable use of the flood plains. The order
5 shall fix the length of flood plains to be regulated
6 at any practical distance, the width of the zone
7 between the encroachment limits so as to include por-
8 tions of the flood plains adjoining the channel, which
9 with the channel, are required to carry and discharge
10 the flood waters or flood flow of the river or stream,
11 and the design discharge and water surface elevations
12 for which protection shall be provided for projects
13 outside the encroachment limits but within the limits
14 of inundation. Plans for the protection of projects
15 proposed for areas subject to inundation shall be
16 reviewed as plans for flood control works within the
17 purview of section 27 of this Act. An order
18 establishing encroachment limits shall not be issued
19 until due notice of the proposed order is given and
20 opportunity for public hearing given for the
21 presentation of protests against the order. In
22 establishing the limits, the commission shall avoid
23 to the greatest possible degree the evacuation of
24 persons residing in the area of a floodway, the removal
25 of residential structures occupied by the persons
26 in the area of a floodway, and the removal of
27 structures erected or made prior to July 4, 1965,
28 which are located on the flood plains of a river or
29 stream but not within the area of a floodway.

30 The commission may cooperate with and assist local
31 units of government in the establishment of
32 encroachment limits, flood plain regulations, and
33 zoning ordinances relating to flood plain areas within
34 their jurisdiction. Encroachment limits, flood plain
35 regulations, or flood plain zoning ordinances proposed
36 by local units of government shall be submitted to
37 the executive director for review and approval prior
38 to adoption by the local units of government. Changes
39 or variations from an approved regulation or ordinance
40 as it relates to flood plain use are subject to
41 approval by the executive director prior to adoption.
42 Individual applications, plans, and specifications
43 and individual approval orders shall not be required
44 for works on the flood plains constructed in conformity
45 with encroachment limits, flood plain regulations,
46 or zoning ordinances adopted by the local units of
47 government and approved by the executive director.

48 Sec. 27. NEW SECTION. FLOOD CONTROL WORKS
49 COORDINATED. All flood control works in the state,
50 which are established and constructed after the

Page 16

1 effective date of this Act, shall be coordinated in
2 design, construction, and operation according to sound
3 and accepted engineering practice so as to effect
4 the best flood control obtainable throughout the
5 state. A person shall not construct or install works
6 of any nature for flood control until the proposed
7 works and the plans and specifications for the works
8 are approved by the executive director. The executive
9 director shall consider all the pertinent facts
10 relating to the proposed works which will affect flood
11 control and water resources in the state and shall
12 determine whether the proposed works in the plans
13 and specifications will be in aid of and acceptable
14 as part of, or will adversely affect and interfere
15 with flood control in the state, adversely affect
16 the control, development, protection, allocation,
17 or utilization of the water resources of the state,
18 or adversely affect or interfere with the state
19 comprehensive plan for water resources or an approved
20 local water resources plan. In the event of
21 disapproval, the executive director shall set forth
22 the objectionable features so that the proposed works
23 and the plans and specifications for the proposed
24 works may be corrected or adjusted to obtain approval.
25 This section applies to drainage districts, soil
26 conservation districts, the state conservation
27 commission, political subdivisions of the state, and
28 private persons undertaking projects relating to flood
29 control.

30 Sec. 28. NEW SECTION. PERMIT APPLICATION
31 PROCEDURES.

32 1. The commission shall adopt, modify, or repeal
33 rules establishing procedures by which permits required
34 under this part shall be issued, suspended, revoked,
35 modified, or denied. The procedures shall include
36 provisions for application, an application fee
37 sufficient to pay the administrative costs of the
38 permit process, public notice and opportunity for
39 public hearing, and contested cases.

40 2. Action by the executive director upon an
41 application for a permit required under this part
42 may be appealed to the commission by the applicant
43 or any affected person within thirty days of the
44 executive director's action. A hearing before the
45 commission or its designee is a contested case. The
46 hearings and judicial review of decisions of the
47 commission shall be carried out in accordance with
48 chapter 17A. Notwithstanding chapter 17A, petitions
49 for judicial review may be filed in the district court
50 of Polk county or of any county in which the property

Page 17

1 affected is located. If the commission, the district
2 court, or the supreme court determines that the action
3 of the commission shall be stayed, the petitioner
4 shall file an appropriate bond approved by the court.

5 Sec. 29. NEW SECTION. VIOLATION.

6 1. The executive director may issue any order
7 necessary to secure compliance with or prevent a
8 violation of this part or the rules adopted pursuant
9 to this part. The attorney general shall, on request
10 of the department, institute any legal proceedings
11 necessary in obtaining compliance with an order of
12 the commission or the executive director.

13 2. A person who violates a provision of this part
14 or a rule or order adopted or promulgated or the
15 conditions of a permit issued pursuant to this part
16 is subject to a civil penalty not to exceed five
17 hundred dollars for each day that a violation occurs.

18 Sec. 30. NEW SECTION. COORDINATION WITH
19 CONSERVANCY DISTRICTS. The commission and the boards
20 of the conservancy districts established by chapter
21 467D shall coordinate their efforts in carrying out
22 the purposes of this chapter and chapter 467D. In
23 addition to other powers and duties conferred by law,
24 the commission and the executive director shall:

25 1. Offer advice and assistance as appropriate
26 to the boards of the several conservancy districts
27 in the state in discharging their powers and duties.

28 2. Review and make recommendations as necessary
29 to bring the plan of each of the conservancy districts,
30 and any subsequent changes in the plan, into conformity
31 with the statewide water resources plan established
32 by the commission pursuant to section 12 of this Act.

33 3. Inform the board of any conservancy district
34 of any of the following:

35 a. The receipt of each application for a permit
36 to divert, store, or withdraw either surface or
37 underground waters at any place within the district,
38 filed with the executive director pursuant to this
39 part.

40 b. The receipt of each application for approval
41 of a proposed dam, obstruction, deposit, or excavation
42 in or on any floodway or flood plain in the district,
43 filed with the executive director pursuant to section
44 25 of this Act.

45 c. Any proposed order which would establish
46 encroachment limits and zoning regulations on any
47 flood plain in the district, filed with the executive
48 director pursuant to section 26 of this Act.

49 d. The receipt of each application for approval
50 of a proposed flood control structure or works, filed

Page 18

1 with the executive director pursuant to section 27
2 of this Act.

3 Sec. 31. Section 68B.2, subsection 4, Code 1981,
4 is amended to read as follows:

5 4. "Regulatory agency" means department of
6 agriculture, industrial commissioner, bureau of labor,
7 occupational safety and health review commission,
8 department of job service, department of banking,
9 insurance department of Iowa, state department of
10 health, department of public safety, department of
11 public instruction, state board of regents, department
12 of social services, department of revenue, Iowa state
13 commerce commission, Iowa beer and liquor control
14 department, board of pharmacy examiners, state
15 conservation commission, state department of
16 transportation, Iowa state civil rights commission,
17 department of soil conservation, department of public
18 defense, and department of environmental quality and
19 Iowa natural resources council.

20 Sec. 32. Section 83A.3, subsection 5, Code 1981,
21 is amended to read as follows:

22 5. One member representing the Iowa natural
23 resources council department of environmental quality.

24 Sec. 33. Section 84.2, subsections 11, 12, 14,
25 and 16, Code 1981, are amended to read as follows:

26 11. "Illegal oil" means oil which has been produced
27 from any well within the state in excess of the
28 quantity permitted by any rule or order of the council
29 department.

30 12. "Illegal gas" means gas which has been produced
31 from any well within this state in excess of the
32 quantity permitted by any rule or order of the council
33 department.

34 14. "Certificate of clearance" means a permit
35 prescribed by the council department for the
36 transportation or the delivery of oil or gas or product
37 and issued or registered in accordance with the rule
38 or order requiring such the permit.

39 16. "Council" "Department" means Iowa natural
40 resources council as defined in chapter 455A the
41 department of environmental quality.

42 Sec. 34. Section 84.2, Code 1981, is amended by
43 adding the following new subsection:

44 NEW SUBSECTION. "Commission" means the
45 environmental quality commission.

46 Sec. 35. Section 84.4, unnumbered paragraph 1,
47 Code 1981, as amended by Acts of the Sixty-ninth
48 General Assembly, 1981 Session, chapter 41, section
49 3, is amended to read as follows:

50 The council department has the duty of administering

Page 19

1 this chapter. The state geologist shall act as
2 administrator with the duty of enforcing the
3 regulations and orders of the council department
4 applicable to the crude petroleum oil and natural
5 gas and metallic mineral resources of this state and
6 the provisions of this chapter. The council department
7 has the duty to make investigations it deems proper
8 to determine whether waste exists or is imminent or
9 whether other facts exist which justify action. The
10 council department acting through the office of the
11 state geologist has the authority:

12 Sec. 36. Section 84.4, subsection 1, paragraphs
13 d, e, and i, Code 1981, are amended to read as follows:

14 d. The furnishing of a reasonable bond with good
15 and sufficient surety, conditioned upon the full
16 compliance with the provisions of this chapter, and
17 the rules of the council commission prescribed to
18 govern the production of oil and gas on state and
19 private lands within the state of Iowa;

20 e. That the production from wells be separated
21 into gaseous and liquid hydrocarbons, and that each
22 be accurately measured by such the means and upon
23 such standards as may be prescribed by the council
24 commission;

25 i. That every person who produces, sells,
26 purchases, acquires, stores, transports, refines,
27 or processes native and indigenous Iowa produced crude
28 oil or gas in this state shall keep and maintain
29 within this state complete and accurate records of
30 the quantities thereof of oil or gas, which records
31 shall be available for examination by the council
32 or its agents department at all reasonable times,
33 and that every such person file with the council such
34 department the reports as it may prescribe with respect
35 to such the oil or gas or the products thereof of
36 the oil or gas.

37 Sec. 37. Section 84.5, Code 1981, as amended by
38 Acts of the Sixty-ninth General Assembly, 1981 Session,
39 chapter 41, section 4, is amended to read as follows:

40 84.5 DRILLING PERMIT REQUIRED. It is unlawful
41 to commence operations for the drilling of a well
42 for oil or gas or the production of metallic minerals
43 or to commence operations to deepen any well to a
44 different geological formation without first giving
45 the state geologist notice of intention to drill,
46 and without first obtaining a permit from the state
47 geologist, under rules prescribed by the council
48 commission and paying to the council department a
49 fee of fifty dollars established by rule of the de-
50 partment for the well. The fee shall be used by the

Page 20

1 council for administering this chapter, including
2 the payment of expenses incurred in publishing legal
3 notice deposited in the general fund of the state.

4 Sec. 38. Section 84.6, Code 1981, is amended to
5 read as follows:

6 84.6 COUNCIL DEPARTMENT SHALL DETERMINE MARKET
7 DEMAND AND REGULATE THE AMOUNT OF PRODUCTION. The
8 council department shall determine market demand for
9 each marketing district and regulate the amount of
10 production as follows:

11 1. The council department shall limit the
12 production of oil and gas within each marketing
13 district to that amount which can be produced without
14 waste, and which does not exceed the reasonable market
15 demand.

16 2. Whenever When the council department limits
17 the total amount of oil or gas which may be produced
18 in the state or a marketing district, the council
19 department shall allocate or distribute the allowable
20 production among the pools therein in the district
21 on a reasonable basis, giving, where reasonable under
22 the circumstances to each pool with small wells of
23 settled production, an allowable production which
24 prevents the general premature abandonment of such
25 the wells in the pool.

26 3. Whenever When the council department limits
27 the total amount of oil or gas which may be produced
28 in any pool in this state to an amount less than that
29 amount which the pool could produce if no restriction
30 were imposed, which limitation is imposed either
31 incidental to, or without, a limitation of the total
32 amount of oil or gas produced in the marketing district
33 wherein the pool is located, the council department
34 shall allocate or distribute the allowable production
35 among the several wells or producing properties in
36 the pool on a reasonable basis, preventing or
37 minimizing reasonable avoidable drainage, so that
38 each property will have the opportunity to produce
39 or to receive its just and equitable share, subject
40 to the reasonable necessities for the prevention of
41 waste.

42 4. In allocating the market demand for gas as
43 between pools within marketing districts, the council
44 department shall give due regard to the fact that
45 gas produced from oil pools is to be regulated in
46 a manner as which will protect the reasonable use
47 of its energy for oil production.

48 5. The council shall department is not be required
49 to determine the reasonable market demand applicable
50 to any single pool, except in relation to all other

Page 21

1 pools within the same marketing district, and in
2 relation to the demand applicable to the marketing
3 district. In allocating allowables to pools, the
4 council department may consider, but shall is not
5 be bound by nominations of purchasers to purchase
6 from particular fields, pools, or portions thereof.
7 The council department shall allocate the total
8 allowable for the state in such a manner as which
9 prevents undue discrimination between marketing
10 districts, fields, pools, or portions thereof resulting
11 from selective buying or nomination by purchasers.

12 Sec. 39. Section 84.7, unnumbered paragraph 1
13 and subsections 1 and 4, Code 1981, are amended to
14 read as follows:

15 The council department shall set spacing units
16 as follows:

17 1. When necessary to prevent waste, to avoid the
18 drilling of unnecessary wells, or to protect
19 correlative rights, the council department shall
20 establish spacing units for a pool. Spacing units
21 when established shall be of uniform size and shape
22 for the entire pool, except that when found to be
23 necessary for any of the purposes above mentioned,
24 the council is authorized to department may divide
25 any pool into zones and establish spacing units for
26 each zone, which units may differ in size and shape
27 from those established in any other zone.
28 4. An order establishing units for a pool shall
29 cover all lands determined or believed to be underlaid
30 by such the pool, and may be modified by the state
31 geologist from time to time to include additional
32 areas determined to be underlaid by such the pool.
33 When found necessary for the prevention of waste,
34 or to avoid the drilling of unnecessary wells or to
35 protect correlative rights, an order establishing
36 spacing units in a pool may be modified by the state
37 geologist to increase the size of spacing units in
38 the pool or any zone thereof of the pool, or to permit
39 the drilling of additional wells on a reasonable
40 uniform plan in the pool, or any zone thereof of the
41 pool. Orders of the state geologist may be appealed
42 to the council department within thirty days.

43 Sec. 40. Section 84.8, Code 1981, is amended to
44 read as follows:

45 84.8 INTEGRATION OF FRACTIONAL TRACTS.

46 1. When two or more separately owned tracts are
47 embraced within a spacing unit, or when there are
48 separately owned interests in all or a part of the
49 spacing unit, then the owners and royalty owners
50 thereof of the tracts may pool their interests for

Page 22

1 the development and operation of the spacing unit.
2 In the absence of voluntary pooling the council
3 department upon the application of any interested
4 person, shall enter an order pooling all interests
5 in the spacing unit for the development and operations
6 thereof of the unit. Each such pooling order shall
7 be made after notice and hearing, and shall be upon
8 terms and conditions that are just and reasonable,
9 and that afford to the owner of each tract or interest
10 in the spacing unit the opportunity to recover or
11 receive, without unnecessary expense, his a just and
12 equitable share. Operations incident to the drilling
13 of a well upon any portion of a spacing unit covered
14 by a pooling order shall be deemed for all purposes,
15 to be the conduct of such the operations upon each
16 separately owned tract in the drilling unit by the
17 several owners thereof of the unit. That portion
18 of the production allocated to each tract included
19 in a spacing unit covered by a pooling order shall,
20 when produced, be deemed for all purposes to have
21 been produced from such the tract by a well drilled
22 thereon on it.

23 2. Each such pooling order shall make provision
24 for the drilling and operation of a well on the spacing
25 unit, and for the payment of the reasonable actual
26 cost thereof of the well by the owners of interests
27 in the spacing unit, plus a reasonable charge for
28 supervision. In the event of any dispute as to such
29 costs the council department shall determine the
30 proper costs. If one or more of the owners an owner
31 shall drill and operate, or pay the expenses of
32 drilling and operating the well for the benefit of
33 others, then, the owner or owners so drilling or
34 operating shall, upon complying with the terms of
35 section 84.10, have a lien on the share of production
36 from the spacing unit accruing to the interest of
37 each of the other owners for the payment of his a
38 proportionate share of such the expenses. All the
39 oil and gas subject to the lien shall be marketed
40 and sold and the proceeds applied in payment of the
41 expenses secured by such the lien as provided for
42 in section 84.10.

43 Sec. 41. Section 84.9, Code 1981, is amended to
44 read as follows:

45 84.9 VOLUNTARY AGREEMENTS FOR UNIT OPERATION

46 VALID. An agreement for the unit or co-operative
47 development and operation of a field or pool, in
48 connection with the conduct of a repressuring or
49 pressure maintenance operations, cycling or recycling
50 operations, including the extraction and separation

Page 23

1 of liquid hydrocarbons from natural gas in connection
2 therewith, or any other method of operation, including
3 water floods, is authorized and may be performed and
4 shall not be held or construed to violate without
5 being in violation of any of the statutes of this
6 state relating to trusts, monopolies, or contracts
7 and combinations in restraint of trade, if the
8 agreement is approved by the council department as
9 being in the public interest, protective of correlative
10 rights, and reasonably necessary to increase ultimate
11 recovery or to prevent waste of oil or gas. Such
12 The agreements bind only the persons who execute them,
13 and their heirs, successors, assigns, and legal
14 representatives.

15 Sec. 42. Section 84.11, Code 1981, is amended
16 to read as follows:

17 84.11 RULES COVERING PRACTICE BEFORE COUNCIL
18 DEPARTMENT.

19 1. The council commission shall prescribe rules
20 governing the practice and procedure before it.

21 2. No An order, or amendment thereof of an order,
22 except in an emergency, shall not be made by the
23 council department without a public hearing upon at
24 least ten days' notice. The public hearing shall
25 be held at such the time and place as may be prescribed
26 by the council commission, and any interested person
27 shall be is entitled to be heard.

28 3. When an emergency requiring immediate action
29 is found to exist the council is authorized to
30 department may issue an emergency order without notice
31 of hearing, which shall be effective upon promulgation.
32 No An emergency order shall not remain effective for
33 more than fifteen days.

34 4. Any notice required by this chapter shall be
35 given at the election of the council department either
36 by personal service or by letter to the last recorded
37 address and one publication in a newspaper of general
38 circulation in the state capital city and in a
39 newspaper of general circulation in the county where
40 the land affected, or some part thereof, of the land
41 is situated. The notice shall issue in the name of
42 the state, shall be signed by the state geologist,
43 shall specify the style and number of the proceeding,
44 the time and place of the hearing, and shall briefly
45 state the purpose of the proceeding. Should the
46 council department elect to give notice by personal
47 service, such the service may be made by any officer
48 authorized to serve process, or by any agent of the
49 council department, in the same manner as is provided
50 by law for the service of original notices in civil

Page 24

1 actions in the district court of the state. Proof
2 of the service by such agent shall be by the affidavit
3 of the person making personal service.

4 5. All orders issued by the council department
5 shall be in writing, shall be entered in full and
6 indexed in books to be kept by the state geologist
7 for that purpose, and shall be public records open
8 for inspection at all times during reasonable office
9 hours. A copy of any rule or order certified by the
10 state geologist or any officer of the council
11 department shall be received in evidence in all courts
12 of this state with the same effect as the original.

13 6. The council department may act upon its own
14 motion, or upon the petition of any interested person.
15 On the filing of a petition concerning any matter
16 within the jurisdiction of the council department,
17 the council department shall promptly fix a date for
18 a hearing ~~thereon~~, and shall cause notice of the
19 hearing to be given. The hearing shall be held without
20 undue delay after the filing of the petition. The
21 council department shall enter its order within thirty
22 days after the hearing.

23 Sec. 43. Section 84.12, Code 1981, is amended
24 to read as follows:

25 84.12 SUMMONING WITNESSES, ADMINISTERING OATHS,
26 REQUIRING PRODUCTION OF RECORDS—HEARING EXAMINERS
27 APPOINTED.

28 1. The council shall have the power to department
29 may summon witnesses, administer oaths, and require
30 the production of records, books, and documents for
31 examination at any hearing or investigation conducted.
32 ~~No~~ A person shall not be excused from attending and
33 testifying, or from producing books, papers, and
34 records before the council department or a court,
35 or from obedience to the subpoena of the council
36 department or a court, on the ground or for the reason
37 that the testimony or evidence, documentary or
38 otherwise, required of ~~him~~ the person may tend to
39 incriminate ~~him~~ the person or subject ~~him~~ the person
40 to a penalty or forfeiture; provided, that nothing
41 herein contained shall be construed as requiring any.
42 However this subsection does not require a person
43 to produce any books, papers, or records, or to testify
44 in response to any inquiry not pertinent to some
45 question lawfully before such council the department
46 or court for determination. No A natural person shall
47 be subjected ~~is not~~ subject to criminal prosecution
48 or to any penalty or forfeiture for or on account
49 of any transaction, matter, or thing concerning which,
50 in spite of his objections, he the person may be

Page 25

1 required to testify or produce as evidence, documentary
2 or otherwise, before the council department or court,
3 or in obedience to subpoena; ~~provided, that no.~~
4 However, a person testifying shall not be exempted
5 from prosecution and punishment for perjury committed
6 in so testifying.

7 2. In case of failure or refusal on the part of
8 any person to comply with the subpoena issued by the
9 council department, or in case of the refusal of any
10 witness to testify as to any matter regarding which
11 ~~he the witness~~ may be interrogated, any court in the
12 state, upon the application of the council department,
13 may issue an attachment for ~~such the person~~ and compel
14 ~~him the person~~ to comply with ~~such the~~ subpoena, and
15 to attend before the council department and produce
16 ~~such the~~ records, books, and documents, for
17 examination, and to give his testimony. ~~Such The~~
18 courts shall have the power to may punish for contempt
19 as in the case of disobedience to a like subpoena
20 issued by the court, or for refusal to testify therein.

21 3. The council department may appoint a hearing
22 examiner or examiners to conduct hearings required
23 by this chapter. When so appointed, ~~such the~~ hearing
24 examiner ~~or examiners~~ shall have and may exercise
25 all of the powers delegated to the council department
26 by this section.

27 Sec. 44. Section 84.14, subsection 1, Code 1981,
28 is amended to read as follows:

29 1. Judicial review of an action of the council
30 department may be sought in accordance with the terms
31 of the Iowa administrative procedure Act chapter 17A.
32 Notwithstanding the terms of the Iowa administrative
33 procedure Act that chapter, petitions for judicial
34 review may be filed in the district court of Polk
35 county or in the district court of any county in which
36 the property affected or some portion thereof of the
37 property is located.

38 Sec. 45. Section 84.14, subsections 2 and 3, Code
39 1981, are amended by striking the subsections.

40 Sec. 46. Section 84.15, subsections 1 and 2, Code
41 1981, are amended to read as follows:

42 1. The sale, purchase, acquisition, transportation,
43 refining, processing, or handling of illegal oil,
44 illegal gas, or illegal product is hereby prohibited.
45 However, ~~no~~ a penalty by way of fine shall not be
46 imposed upon a person who sells, purchases, acquires,
47 transports, refines, processes, or handles illegal
48 oil, illegal gas, or illegal product unless:

49 a. ~~Such The~~ person knows, or is put on notice,
50 of facts indicating that illegal oil, illegal gas,

Page 26

1 or illegal product is involved; ~~or.~~

2 b. ~~Such~~ The person fails to obtain a certificate
3 of clearance with respect to ~~such the~~ oil, gas, or
4 product where prescribed by order of the ~~council~~
5 department, or fails to follow any other method
6 prescribed by an order of the ~~council~~ department for
7 the identification of ~~such the~~ oil, gas or product.

8 2. Illegal oil, illegal gas, and illegal product
9 are declared to be contraband and are subject to
10 seizure and sale as herein provided; seizure and sale
11 to be in addition to any and all other remedies and
12 penalties provided in this chapter for violations
13 relating to illegal oil, illegal gas, or illegal
14 product. ~~Whenever~~ When the ~~council~~ department believes
15 that any oil, gas or product is illegal, the ~~council~~
16 department acting by the attorney general, shall bring
17 a civil action in rem in the district court of the
18 county where ~~such the~~ oil, gas, or product is found,
19 to seize and sell the same, or the ~~council~~ department
20 may include ~~such~~ an action in rem for the seizure
21 and sale of illegal oil, illegal gas, or illegal
22 products in any suit brought for an injunction or
23 penalty involving illegal oil, illegal gas, or illegal
24 product. Any person claiming an interest in oil,
25 gas, or product affected by any ~~such the~~ action shall
26 have the right to may intervene as an interested party
27 in ~~such the~~ action.

28 Sec. 47. Section 84.16, Code 1981, is amended
29 to read as follows:

30 84.16 PENALTIES.

31 1. Any person who violates any provision of this
32 chapter, or any rule or order of the ~~council~~ department
33 where no other penalty is provided shall ~~be is~~ guilty
34 of a simple misdemeanor.

35 2. If any person, for the purpose of evading this
36 chapter, or any rule or order of the ~~council~~
37 department, shall ~~make~~ makes or ~~cause~~ causes to be
38 made any false entry or statement in a report required
39 by this chapter or by any ~~such~~ rule or order, or shall
40 ~~make~~ makes or ~~cause~~ causes to be made any false entry
41 in any record, account, or memorandum required by
42 this chapter, or by any ~~such~~ rule or order, or shall
43 ~~omit~~ omits, or ~~cause~~ causes to be omitted, from any
44 ~~such~~ record, account, or memorandum, full, true, and
45 correct entries as required by this chapter, or by
46 any ~~such~~ rule or order, or shall ~~remove~~ removes from
47 this state or ~~destroy~~, mutilate, ~~alter~~ destroys,
48 mutilates, alters, or ~~falsify~~ falsifies any such
49 record, account, or memorandum, ~~such the~~ person shall
50 be is guilty of a fraudulent practice.

Page 27

1 3. Any person knowingly aiding or abetting any
2 other person in the violation of any provision of
3 this chapter, or any rule or order of the ~~council~~
4 shall be department is subject to the same penalty
5 as that prescribed by this chapter for the violation
6 by ~~such~~ the other person.

7 Sec. 48. Section 84.17, Code 1981, is amended
8 to read as follows:

9 84.17 ACTION TO RESTRAIN VIOLATION OR THREATENED
10 VIOLATION.

11 1. Whenever If it appears that any person is
12 violating or threatening to violate any provision
13 of this chapter, or any rule or order of the ~~council~~
14 department, the council department shall bring suit
15 against ~~such the~~ person in the district court of any
16 county where the violation occurs or is threatened,
17 to restrain ~~such the~~ person from continuing ~~such the~~
18 violation or from carrying out the threat of violation.
19 In any ~~such the~~ suit, the court shall have has
20 jurisdiction to grant to the ~~council department~~,
21 without bond or other undertaking, ~~such the~~ prohibitory
22 and mandatory injunctions as the facts may warrant,
23 including temporary restraining orders, preliminary
24 injunctions, temporary, preliminary, or final orders
25 restraining the movement or disposition of any illegal
26 oil, illegal gas, or illegal product, any of which
27 the court may order to be impounded or placed in the
28 custody of an agent appointed by the court.

29 2. If the ~~council shall fail department fails~~
30 to bring suit to enjoin a violation or threatened
31 violation of any provision of this chapter, or any
32 rule or order of the ~~council department~~, within ten
33 days after receipt of written request to do so by
34 any person who is or will be adversely affected by
35 ~~such the~~ violation, the person making ~~such the~~ request
36 may bring suit in his the person's own behalf to
37 restrain ~~such the~~ violation or threatened violation
38 in any court in which the ~~council department~~ might
39 have brought suit. The ~~council department~~ shall be
40 made a party defendant in ~~such the~~ suit in addition
41 to the person violating or threatening to violate
42 a provision of this chapter, or a rule or order of
43 the ~~council department~~, and the action shall proceed
44 and injunctive relief may be granted to the ~~council~~
45 department or the petitioner without bond in the same
46 manner as if suit had been brought by the ~~council~~
47 department.

48 Sec. 49. Section 108.7, unnumbered paragraph 2,
49 Code 1981, is amended to read as follows:

50 Any action taken by the commission under the

Page 28

1 provisions of this section shall be is subject to
2 the approval of the Iowa natural resources council
3 department of environmental quality.

4 Sec. 50. Section 109.15, Code 1981, is amended
5 to read as follows:

6 109.15 INJURY TO DAM. It shall be is unlawful
7 for any owner or his the owner's agent to remove or
8 destroy any existing dam, or alter it in a way so
9 as to lower the water level, without having received
10 written approval from the Iowa natural resources
11 council department of environmental quality.

12 Sec. 51. Section 111.4, unnumbered paragraph 1,
13 Code 1981, is amended to read as follows:

14 No A person, association or corporation shall not
15 build or erect any pier, wharf, sluice, piling, wall,
16 fence, obstruction, building or erection of any kind
17 upon or over any state-owned land or water under the
18 jurisdiction of the commission, without first obtaining
19 from such the commission a written permit; provided,
20 however, that. However, this provision shall does
21 not apply to dams constructed and operated under the
22 authority of chapter 469. No such A permit, in matters
23 relating to or in any manner affecting flood control,
24 shall not be issued without approval of the Iowa
25 natural resources council department of environmental
26 quality. No A person shall not maintain or erect
27 any structure beyond the line of private ownership
28 along or upon the shores of state-owned waters in
29 such a manner as to obstruct the passage of pedestrians
30 along the shore between the ordinary high-water mark
31 and the water's edge, except by permission of the
32 commission.

33 Sec. 52. Section 111.18, Code 1981, is amended
34 to read as follows:

35 111.18 JURISDICTION. Jurisdiction over all
36 meandered streams and lakes of this state and of state
37 lands bordering thereon, not now used by some other
38 state body for state purposes, is conferred upon the
39 commission. The exercise of this jurisdiction shall
40 be is subject to the approval of the Iowa natural
41 resources council department of environmental quality
42 in matters relating to or in any manner affecting
43 flood control. The commission, with the approval
44 of the executive council, may establish parts of such
45 the property into state parks, and when so established
46 all of the provisions of this chapter relative to
47 public parks shall apply thereto to the property.

48 Sec. 53. Section 111.62, Code 1981, is amended
49 to read as follows:

50 111.62 COPY TO RESOURCES COUNCIL DEPARTMENT.

Page 29

1 A copy of the petition and such the applications,
2 plans, and specifications as are required under the
3 provisions of chapter 455A shall be filed with the
4 Iowa natural resources council department of
5 environmental quality and any approval or permit
6 required thereunder under chapter 455A shall be
7 obtained prior to the establishment of said the water
8 recreational area or the granting of a permit therefor
9 for the area by the state conservation commission.

10 Sec. 54. Section 111D.1, Code 1981, is amended
11 to read as follows:

12 111D.1 ACQUISITION BY OTHER THAN CONDEMNATION.

13 The state conservation commission, the Iowa natural
14 resources council department of environmental quality,
15 any county conservation board, and any city or agency
16 thereof of a city may acquire by purchase, gift,
17 contract, or other voluntary means, but not by eminent
18 domain, conservation easements in land to preserve
19 scenic beauty, wildlife habitat, riparian lands, wet
20 lands, or forests, promote outdoor recreation, or
21 otherwise conserve for the benefit of the public the
22 natural beauty, natural resources, and public
23 recreation facilities of the state.

24 Sec. 55. Section 112.3, Code 1981, is amended
25 to read as follows:

26 112.3 HEARING—DAMAGES. After said the approval
27 the commission, if it wishes to proceed further with
28 the project, shall, with the consent of the Iowa
29 natural resources council department of environmental
30 quality, fix a date of hearing not less than two weeks
31 from date of approval of the plan. Notice of the
32 day, hour and place of hearing, relative to proposed
33 work, shall be provided by publication at least once,
34 a week for two consecutive weeks in some newspaper
35 of general circulation published in the county where
36 the project is located, or in the county or counties
37 where the water elevations are affected, under the
38 tentative plan approved. The last of such publication
39 or publications shall not be less than five days prior
40 to the day set for hearing. Any claim by any persons
41 whomsoever, for damages which may be caused by said
42 the project shall be filed with the commission at
43 or prior to the time of the hearing provided herein.

44 Sec. 56. Section 308.1, Code 1981, is amended
45 to read as follows:

46 308.1 PLANNING COMMISSION. The Mississippi parkway
47 planning commission shall be composed of ten members
48 appointed by the governor, five members to be appointed
49 for two-year terms beginning July 1, 1959, and five
50 members to be appointed for four-year terms beginning

Page 30

1 July 1, 1959. In addition to the above members there
2 shall be seven advisory ex officio members who shall
3 be as follows: One member from the state
4 transportation commission, one member from the state
5 conservation commission, one member from the Iowa
6 state soil conservation commission, one member from
7 the state historical society of Iowa, one member from
8 the faculty of the landscape architectural division
9 of the Iowa State University state university of
10 science and technology, one member from the Iowa
11 development commission, and one member from the natural
12 resources council department of environmental quality.
13 Members and ex officio members shall serve without
14 pay, but the actual and necessary expenses of members
15 and ex officio members may be paid if the commission
16 so orders and if the commission has funds available
17 for ~~such~~ that purpose.

18 Sec. 57. Section 357A.1, subsection 7, Code 1981,
19 is amended by striking the subsection and inserting
20 in lieu thereof the following:

21 7. "Department" means the department of
22 environmental quality.

23 Sec. 58. Section 357A.5, Code 1981, is amended
24 to read as follows:

25 357A.5 WHO MAY BE HEARD. At the hearing on the
26 petition, any owner or occupant of land within the
27 boundaries of the area described in the petition may
28 appear, in person or by his a designated
29 representative, and any representative of the council
30 department may also appear, in favor of or in
31 opposition to the incorporation and organization of
32 the proposed district. ~~Such~~ The appearances may also
33 be filed in writing prior to the time set for the
34 hearing.

35 Sec. 59. Section 357A.12, Code 1981, is amended
36 to read as follows:

37 357A.12 PLANS AND SPECIFICATIONS. As soon as
38 reasonably possible after incorporation of a district,
39 the board shall file with the supervisors and the
40 council department copies of the plans and
41 specifications for, and estimates of the cost of,
42 any improvements authorized by this chapter which
43 the board proposes to construct or acquire. The board
44 shall determine a reasonable fee which each member
45 shall pay for the privilege of utilizing the district's
46 facilities which shall be known as a benefit unit.
47 Benefit units may be classified. The board, by
48 publication in a newspaper of general circulation
49 in the district, shall generally describe the planned
50 improvements, the area to be served and the fee members

Page 31

1 will be required to pay for each service connected
2 to the water system.

3 Sec. 60. Section 357A.19, Code 1981, is amended
4 to read as follows:

5 **357A.19 NOT EXEMPT FROM OTHER REQUIREMENTS.**

6 ~~Nothing in this This~~ chapter shall be construed to
7 ~~does not exempt~~ any district from the requirements
8 of any other statute, whether enacted prior to or
9 subsequent to July 1, 1970, under which the district
10 is required to obtain the permission or approval of,
11 or to notify, the ~~council~~ department, the Iowa commerce
12 commission, or any other agency of this state or of
13 any of its political subdivisions prior to proceeding
14 with construction, acquisition, operation, enlargement,
15 extension, or alteration of any works or facilities
16 which the district is authorized to undertake pursuant
17 to this chapter.

18 Sec. 61. Section 358.9, unnumbered paragraph 3,
19 Code 1981, is amended to read as follows:

20 In cases where the state of Iowa owns at least
21 four hundred acres of land contiguous to lakes within
22 ~~said the district, then and only then the Iowa natural~~
23 ~~resources council the state conservation commission~~
24 shall appoint two members of ~~said the~~ board of trustees
25 in addition to the three members ~~hereinbefore~~ provided
26 in this section. The additional two members shall
27 be qualified as follows: They shall be United States
28 citizens, not less than eighteen years of age, and
29 shall be property owners within ~~said the~~ district.
30 In such cases the ~~The~~ two additional appointive members
31 shall have equal vote and authority with other members
32 of trustees and shall hold office at the pleasure
33 of the Iowa natural resources ~~council state~~
34 conservation commission.

35 Sec. 62. Section 358A.24, Code 1981, is amended
36 to read as follows:

37 **358A.24 CONFLICT WITH OTHER REGULATIONS. Wherever**

38 ~~If~~ the regulations made under authority of this chapter
39 require a greater width or size of yards, courts or
40 other open spaces, or require a lower height of
41 building or less number of stories, or require a
42 greater percentage of lot to be left unoccupied, or
43 impose other higher standards than are required in
44 any other statute or local ordinance or regulation,
45 the provisions of the regulations made under authority
46 of this chapter shall govern. ~~Wherever the provisions~~
47 ~~of If~~ any other statute or local ordinance or
48 regulation ~~require~~ requires a greater width or size
49 of yards, courts or other open spaces, or ~~require~~
50 requires a lower height of building or a less number

Page 32

1 of stories, or require a greater percentage of lot
2 to be left unoccupied, or ~~impose~~ imposes other higher
3 standards than are required by the regulations made
4 under authority of this chapter, the provisions of
5 such other statute or local ordinance or regulation
6 shall govern governs. Wherever any If a regulation
7 proposed or made under authority of this chapter
8 relates to any structure, building, dam, obstruction,
9 deposit or excavation in or on the flood plains of
10 any river or stream, prior approval of the Iowa natural
11 resources council shall be department of environmental
12 quality is required to establish, amend, supplement,
13 change, or modify such the regulation or to grant
14 any variation or exception therefrom from the
15 regulation.

16 Sec. 63. Section 414.21, Code 1981, is amended
17 to read as follows:

18 414.21 CONFLICTING RULES, ORDINANCES, AND STATUTES.

19 Wherever If the regulations made under authority of
20 this chapter require a greater width or size of yards,
21 courts or other open spaces, or ~~require~~ a lower height
22 of building or less number of stories, or ~~require~~
23 a greater percentage of lot to be left unoccupied,
24 or impose other higher standards than are required
25 in any other statute or local ordinance or regulation,
26 the provisions of the regulations made under authority
27 of this chapter shall govern. Wherever the provisions
28 of If any other statute or local ordinance or
29 regulation require requires a greater width or size
30 of yards, courts or other open spaces, or ~~require~~
31 a lower height of building or a less number of stories,
32 or ~~require~~ a greater percentage of lot to be left
33 unoccupied, or impose other higher standards than
34 are required by the regulations made under authority
35 of this chapter, the provisions of such other statute
36 or local ordinance or regulation shall govern governs.
37 Wherever any If a regulation proposed or made under
38 authority of this chapter relates to any structure,
39 building, dam, obstruction, deposit or excavation
40 in or on the flood plains of any river or stream,
41 prior approval of the Iowa natural resources council
42 shall be department of environmental quality is
43 required to establish, amend, supplement, change or
44 modify such the regulation or to grant any variation
45 or exception therefrom from the regulation.

46 Sec. 64. Section 427.1, subsection 33, Code 1981,
47 is amended to read as follows:

48 33. IMPOUNDMENT STRUCTURES. The impoundment
49 structure and any land underlying an impoundment
50 located outside any incorporated city, which are not

Page 33

1 developed or used directly or indirectly for
2 nonagricultural income-producing purposes and which
3 are maintained in a condition satisfactory to the
4 soil conservation district commissioners of the county
5 in which the impoundment structure and the impoundment
6 are located. Any person owning land which qualifies
7 for a property tax exemption under this subsection
8 shall apply to the county assessor each year before
9 the first of July for the exemption. The application
10 shall be made on forms prescribed by the department
11 of revenue. The first application shall be accompanied
12 by a copy of the water storage permit approved by
13 the water commissioner of the Iowa natural resources
14 council department of environmental quality and a
15 copy of the plan for the construction of the
16 impoundment structure and the impoundment. The
17 construction plan shall be used to determine the total
18 acre-feet of the impoundment and the amount of land
19 which is eligible for the property tax exemption
20 status. The county assessor shall annually review
21 each application for the property tax exemption under
22 this subsection and submit it, with the recommendation
23 of the soil conservation district commissioners, to
24 the board of supervisors for approval or denial.
25 Any applicant for a property tax exemption under this
26 subsection may appeal the decision of the board of
27 supervisors to the district court. As used in this
28 subsection, "impoundment" means any reservoir or pond
29 which has a storage capacity of at least eighteen
30 acre-feet of water or sediment at the time of
31 construction; "storage capacity" means the total area
32 below the crest elevation of the principal spillway
33 including the volume of any excavation in such area;
34 and "impoundment structure" means any dam, earthfill
35 or other structure used to create an impoundment.

36 Sec. 65. Section 455.18, unnumbered paragraph
37 2, Code 1981, is amended to read as follows:

38 Where the proposed district contemplates as its
39 object flood control or soil conservation the engineer
40 shall include in his the report data describing any
41 soil conservation or flood control improvements, the
42 nature thereof of the improvements, and such other
43 additional data as shall be prescribed by the Iowa
44 natural resources council department of environmental
45 quality.

46 Sec. 66. Section 467A.3, subsection 15, Code 1981,
47 is amended by striking the subsection.

48 Sec. 67. Section 467A.4, subsections 1 and 3,
49 Code 1981, are amended to read as follows:

50 1. There is hereby established, to serve as an

Page 34

1 agency of the state and to perform the functions
2 conferred upon it in this chapter, the department
3 of soil conservation. The department shall be
4 administered in accordance with the policies of the
5 state soil conservation committee, which shall approve
6 administrative rules proposed by the department before
7 the rules are ~~promulgated~~ adopted pursuant to chapter
8 17A. The state soil conservation committee shall
9 consist of a chairperson and twelve members. The
10 following shall serve as ex officio nonvoting members
11 of the committee: The director of the state
12 agricultural extension service, or the director's
13 designee, the secretary of agriculture, or the
14 secretary's designee, the director of the state
15 conservation commission or the director's designee,
16 and the executive director of the Iowa natural
17 resources council department of environmental quality
18 or the executive director's designee. Eight voting
19 members shall be appointed by the governor subject
20 to confirmation by the senate. Six of the appointive
21 members shall be persons engaged in actual farming
22 operations, one of whom shall be a resident of each
23 of the six conservancy districts established by section
24 467D.3, and no more than one of whom shall be a
25 resident of any one county. The seventh and eighth
26 appointive members shall be chosen by the governor
27 from the state at large with one appointed to be a
28 representative of cities and one appointed to be a
29 representative of the mining industry. The committee
30 may invite the secretary of agriculture of the United
31 States to appoint one person to serve with the above-
32 mentioned members, and the president of the Iowa
33 county engineers association may designate a member
34 of the association to serve in the same manner, but
35 these persons shall have no vote and shall serve in
36 an advisory capacity only. The ~~director of the~~
37 department of environmental quality shall be an ex
38 officio nonvoting member. The committee shall adopt
39 a seal, which seal shall be judicially noticed, and
40 may perform acts, hold public hearings, and ~~promulgate~~
41 adopt rules as provided in chapter 17A as necessary
42 for the execution of its functions under this chapter.
43 3. The committee shall designate its chairperson,
44 and may change such the designation. The members
45 appointed by the governor shall serve for a period
46 of six years. Members shall be appointed in each
47 odd-numbered year to succeed members whose terms
48 expire as provided by section 69.19. Appointments
49 may be made at other times and for other periods as
50 are necessary to fill vacancies on the committee.

Page 35

1 Members shall not be appointed to serve more than
2 two complete six-year terms. Members designated to
3 represent the secretary of agriculture, director of
4 the state conservation commission, or the executive
5 director of the Iowa natural resources council
6 department of environmental quality shall serve at
7 the pleasure of the officer making the designation.
8 A majority of the voting members of the committee
9 constitutes a quorum, and the concurrence of a majority
10 of the voting members of the committee in any matter
11 within their duties shall be is required for its
12 determination. The chairperson and members of the
13 committee, not otherwise in the employ of the state,
14 or any political subdivision, shall receive forty
15 dollars per diem as compensation for their services
16 in the discharge of their duties as members of the
17 committee. The committee shall determine the number
18 of days for which any committee member may draw per
19 diem compensation, but the total number of days for
20 which per diem compensation is allowed for the entire
21 committee shall not exceed four hundred days per year.
22 They ~~shall~~ are also be entitled to expenses, including
23 traveling expenses, necessarily incurred in the
24 discharge of their duties as members of the committee.
25 The per diem and expenses paid to the committee members
26 shall be paid from funds appropriated to the committee.
27 The committee shall provide for the execution of
28 surety bonds for all employees and officers who ~~shall~~
29 be are entrusted with funds or property, shall provide
30 for the keeping of a full and accurate record of all
31 proceedings and of all resolutions, regulations, and
32 orders issued or adopted, and shall provide for an
33 annual audit of the accounts of receipts and
34 disbursements.

35 Sec. 68. Section 467A.4, subsection 4, paragraph
36 n, subparagraph (5), Code 1981, is amended by striking
37 the subparagraph.

38 Sec. 69. Section 467C.5, Code 1981, is amended
39 to read as follows:

40 467C.5 APPROVAL OF COMMISSIONERS. No A district
41 shall ~~not~~ be established by any board of supervisors
42 under this chapter unless the organization of ~~such~~
43 the district is approved by the commissioners of any
44 soil conservation district established under the
45 provisions of chapter 467A and which is included all
46 or in part within ~~such~~ the district, nor shall any
47 such district be established without the approval
48 of the state conservation commission and the Iowa
49 natural resources council department of environmental
50 quality.

Page 36

1 Sec. 70. Section 467D.2, subsection 3, Code 1981,
2 is amended by striking the subsection.

3 Sec. 71. Section 467D.6, subsections 1 and 11,
4 Code 1981, are amended to read as follows:

5 1. Exercise such supervision over the water
6 resources of the conservancy district, including water
7 in any basin, watercourse, or other body of water
8 in the conservancy district, and have authority to
9 promulgate adopt and repeal, with approval of the
10 department, and enforce such rules, except those rules
11 relating to water resources under the authority of
12 the council and the department of environmental
13 quality, as necessary to achieve the objectives of
14 this chapter as set forth in section 467D.1.

15 11. Maintain at its office a record of all the
16 conservancy district's proceedings, rules and orders,
17 and furnish copies thereof of them to the department
18 and the council department of environmental quality
19 upon request.

20 Sec. 72. Section 467D.16, unnumbered paragraph
21 1, Code 1981, is amended to read as follows:

22 The board shall prepare a plan for accomplishment
23 of the objectives of this chapter within the
24 conservancy district. For this purpose the board
25 may request and shall obtain from any state agency
26 or political subdivision information which the agency
27 or subdivision may have already collected which is
28 pertinent to preparation of the plan, and may conduct
29 such hearings as it deems necessary. The plan shall
30 establish an order of priorities for carrying out
31 projects necessary to accomplish the objectives of
32 this chapter, shall conform as nearly as practicable
33 to the comprehensive state-wide water resources plan
34 established by the council department of environmental
35 quality pursuant to section 455A-17 12 of this Act
36 and shall reflect the following general policies:

37 Sec. 73. Section 467D.17, Code 1981, is amended
38 to read as follows:

39 467D.17 PLAN PRESENTED TO DEPARTMENT AND COUNCIL.

40 The board shall tentatively adopt the plan by
41 resolution and shall present the plan to the department
42 and the council department of environmental quality
43 for review. The council department of environmental
44 quality shall within ninety days review the plan as
45 presented and make such recommendations as which,
46 in its discretion, it deems necessary to bring the
47 conservancy district's plan into conformity with the
48 comprehensive state-wide water resources plan
49 established by the council department of environmental
50 quality pursuant to section 455A-17 12 of this Act.

Page 37

1 The department shall review the plan as presented
2 and, with such amendments as are necessary to bring
3 the plan into conformity with the state-wide water
4 resources plan, give final approval within one hundred
5 twenty days.

6 Sec. 74. Section 467D.19, Code 1981, is amended
7 to read as follows:

8 467D.19 IMPLEMENTATION. After final approval
9 of the plan, the board shall begin to implement the
10 plan as expeditiously as possible, within the
11 limitations of available appropriations and other
12 financial resources. When implementation of the plan
13 involves construction or improvement of any internal
14 improvement by the conservancy district, the board
15 may order the preparation of detailed plans and
16 specifications, and a refined cost estimate. Upon
17 completion of ~~such~~ the plans, specifications and cost
18 estimate to ~~their~~ its satisfaction, the board shall
19 adopt ~~the same~~ them, subject to the approval of the
20 department, and shall let ~~the contract or contracts~~
21 ~~therefor~~ in accordance with section 467D.20. Any
22 approval or permits from the ~~council~~ department of
23 environmental quality required under other provisions
24 of law shall be obtained by the conservancy district
25 prior to initiation of any construction activity.

26 Sec. 75. Section 469.1, Code 1981, is amended
27 to read as follows:

28 469.1 PROHIBITION—PERMIT. ~~No~~ A dam shall ~~not~~
29 be constructed, maintained, or operated in this state
30 in any navigable or meandered stream for any purpose,
31 or in any other stream for manufacturing or power
32 purposes, nor shall any water be taken from ~~such the~~
33 streams for industrial purposes, unless a permit has
34 been granted by the ~~Iowa natural resources council~~
35 department of environmental quality to the person,
36 firm, corporation, or municipality constructing,
37 maintaining, or operating the ~~same dam~~.

38 Sec. 76. Section 469.2, unnumbered paragraph 1
39 and subsection 6, Code 1981, are amended to read as
40 follows:

41 Any person, firm, corporation, or municipality
42 making application for a permit to construct, maintain,
43 or operate a dam in any of the waters, including
44 canals, raceways, and other constructions necessary
45 or useful in connection with the development and
46 utilization of the water or water power, shall file
47 with the ~~Iowa natural resources council~~ department
48 of environmental quality a written application, which
49 shall contain the following information:

50 6. Such Any additional information as may be

Page 38

1 required by the Iowa natural resources council
2 department of environmental quality.

3 Sec. 77. Section 469.3, Code 1981, is amended
4 to read as follows:

5 469.3 NOTICE OF HEARING. When ~~any an~~ application
6 for a permit to construct, maintain, or operate a
7 dam ~~from and~~ after the passage of this chapter is
8 received, the Iowa natural resources council department
9 of environmental quality shall fix a time for hearing,
10 and it shall give notice of the time and place of
11 such the hearing by publication once each week for
12 two successive weeks in at least one newspaper in
13 each county in which riparian lands will be affected
14 by the dam.

15 Sec. 78. Section 469.4, Code 1981, is amended
16 to read as follows:

17 469.4 HEARING. At the time fixed for such the
18 hearing or at any adjournment ~~thereof of the~~ hearing,
19 the council department of environmental quality shall
20 take evidence offered by the applicant and any other
21 person, either in support of or in opposition to the
22 proposed construction.

23 Sec. 79. Section 469.5, Code 1981, is amended
24 to read as follows:

25 469.5 WHEN PERMIT GRANTED. If it ~~shall~~ appear
26 appears to the council department of environmental
27 quality that the construction, operation, or
28 maintenance of the dam will not materially obstruct
29 existing navigation, ~~or~~ materially affect other public
30 rights, ~~will not or~~ endanger life or public health,
31 and any water taken from the stream in connection
32 with the project, excepting water taken by a
33 municipality for distribution in its water mains,
34 is returned ~~thereto to the~~ stream at the nearest
35 practicable place without being materially diminished
36 in quantity ~~or~~, polluted or rendered deleterious to
37 fish life, it shall grant the permit, upon such the
38 terms and conditions as it may prescribe.

39 Sec. 80. Section 469.9, unnumbered paragraph 1,
40 Code 1981, is amended to read as follows:

41 Every person, firm, or corporation, excepting
42 except a municipality, to whom a permit is granted
43 to construct or to maintain and operate a dam already
44 constructed in or across any stream for the purpose
45 herein specified in this chapter, shall pay to the
46 Iowa natural resources council department of
47 environmental quality a permit fee of one hundred
48 dollars and shall pay an annual inspection and license
49 fee, to be fixed by the Iowa natural resources council
50 environmental quality commission, on or before the

Page 39

1 first day of January, 1925, and annually thereafter,
2 but in no case shall the annual inspection and license
3 fee be less than twenty-five dollars. All fees shall
4 be paid into the general fund of the state treasury.

5 Sec. 81. Section 469.10, Code 1981, is amended
6 to read as follows:

7 469.10 CONSTRUCTION AND OPERATION. ~~The Iowa~~
8 ~~natural resources council department of environmental~~
9 quality shall investigate methods of construction,
10 reconstruction, operation, maintenance, and equipment
11 of dams; ~~so as to determine the best methods to~~
12 conserve and protect as far as possible all public
13 and riparian rights in the waters of the state and
14 ~~so as to protect the life, health, and property of~~
15 the general public; and the method of construction,
16 operation, maintenance, and equipment of any and all
17 dams of any character or for any purpose in ~~such the~~
18 waters shall be ~~is~~ subject to the approval of the
19 ~~Iowa natural resources council department of~~
20 environmental quality.

21 Sec. 82. Section 469.11, Code 1981, is amended
22 to read as follows:

23 469.11 ACCESS TO WORKS. ~~Such council or any~~
24 ~~member, agent, or employee thereof~~ The department
25 of environmental quality shall at all times be accorded
26 full access to all parts of any dam and its,
27 appurtenances being constructed, operated, or
28 maintained in such waters.

29 Sec. 83. Section 469.12, Code 1981, is amended
30 to read as follows:

31 469.12 DUTY TO ENFORCE STATUTES. ~~It shall be~~
32 ~~the duty of the council to~~ The department of
33 environmental quality shall require that all existing
34 statutes of the state, including the provisions of
35 this chapter, with reference to the construction of
36 dams, ~~shall be are~~ enforced.

37 Sec. 84. Section 469.26, Code 1981, is amended
38 to read as follows:

39 469.26 REVOCATION OR FORFEITURE OF PERMIT. If
40 the person to whom a permit is issued under the
41 provisions of this chapter does not begin the
42 construction or the improvement of the dam or raceway
43 within one year from the date of the granting of the
44 permit, ~~his the~~ permit may be revoked by the ~~Iowa~~
45 ~~natural resources council department of environmental~~
46 quality, and if any permit holder does not finish
47 and have in operation the plant for which the dam
48 is constructed within three years after the granting
49 of the permit, unless for good cause shown the ~~council~~
50 department has extended the time for completion, ~~such~~

Page 40

1 the permit shall be forfeited.

2 Sec. 85. Section 469.29, Code 1981, is amended

3 to read as follows:

4 469.29 PERMITS FOR EXISTING DAMS. All licenses

5 and permits issued by the state executive council

6 prior to April 17, 1949, or by the Iowa natural

7 resources council prior to January 1, 1983, and in

8 force immediately prior to January 1, 1983, are hereby

9 declared to be in full force and effect and all of

10 the powers of administration relating to licenses

11 or permits heretofore issued are hereby vested in

12 the Iowa natural resources council department of

13 environmental quality.

14 Sec. 86. PRIOR ACTIONS.

15 1. A rule adopted, permit or order issued, or

16 approval given under chapter 84, 108, 109, 111, 112,

17 357A, 358A, 414, 427, 455A, 467A, 467C, or 467D,

18 before the effective date of this Act and in force

19 just prior to the effective date of this Act, by the

20 Iowa natural resources council or its director remains

21 effective until modified or rescinded by action of

22 the department of environmental quality or its

23 executive director unless the rule, order, permit,

24 or approval is inconsistent with or contrary to this

25 Act.

26 2. A rule adopted, permit or order issued, or

27 approval given by the state department of health or

28 the commissioner of public health relating to private

29 water supply systems, private sewage disposal systems,

30 or water wells under chapter 135, before the effective

31 date of this Act and in force just prior to the

32 effective date of this Act remains effective until

33 modified or rescinded by action of the department

34 of environmental quality or its executive director

35 unless the rule, order, permit, or approval is

36 inconsistent with or contrary to this Act.

37 Sec. 87. EMPLOYEE TRANSFER OR TERMINATION. The

38 employees of the Iowa natural resources council

39 employed pursuant to chapter 455A, whose duty

40 assignments are not terminated or otherwise combined

41 because of this Act are transferred to the department

42 of environmental quality. However, an employee whose

43 duty assignment is terminated because of this Act

44 may be reassigned to other duties. The Iowa merit

45 employment commission shall adopt rules to carry out

46 the reassignment or transfer and shall arbitrate and

47 decide a written appeal made by an employee concerning

48 a transfer, reassignment, or reclassification made

49 necessary by this Act. An employee shall not lose

50 benefits accrued, including but not limited to salary,

Page 41

1 retirement, vacation, or sick leave, because of
2 transfer or reassignment.

3 Sec. 88. EFFECTIVE DATE—TRANSITION. The effective
4 date of this Act is January 1, 1983, except that this
5 section is effective July 1, 1982. After July 1,
6 1982, the governor may authorize the environmental
7 quality commission and the executive director of the
8 department of environmental quality to plan for the
9 transfer of powers, duties, records, equipment, other
10 property, and personnel as provided in this Act.

11 The terms of office of the members of the Iowa
12 natural resources council expire effective January
13 1, 1983.

14 Sec. 89. Chapter 455A and sections 84.13 and
15 135.20, Code 1981, are repealed."

16 2. Amend the title, by striking lines 1 through
17 11 and inserting in lieu thereof the following: "An
18 Act to consolidate the management and regulation of
19 water resources by transferring to the department
20 of environmental quality the powers and duties of
21 the Iowa natural resources council and the powers
22 and duties of the state department of health relating
23 to the regulation of the construction, maintenance,
24 and abandonment of nonpublic water systems and water
25 wells, making corresponding amendments to the Code,
26 and providing civil penalties for violations and an
27 effective date."

COOK of Hardin
TOFTE of Winneshiek

H—5457

1 Amend the amendment H—5448 to House File 2439 as
2 follows:

3 1. Page 1, by striking lines 3 through 17 and
4 inserting in lieu thereof the following:

5 "Sec. . The commission shall grant a real
6 estate broker's license to an auctioneer if the
7 auctioneer demonstrates to the commission that the
8 auctioneer has participated in a real estate
9 transaction within the last two years, and shall send
10 a copy of real estate licensing rules and regulations
11 to an auctioneer who is granted a license under this
12 section. In order to receive a real estate broker's
13 license, the auctioneer shall apply for the license
14 between July 1, 1982, and January 1, 1983, and shall
15 pay the appropriate fee as provided in section 117.27."

SCHROEDER of Pottawattamie
SMITH of Scott
HARBOR of Mills
BYERLY of Polk
SWEARINGEN of Keokuk

H-5463

- 1 Amend House File 2220 as follows:
- 2 1. Page 6, line 24, by striking the words "adult
- 3 corrections" and inserting in lieu thereof the words
- 4 "mental health, mental retardation and developmental
- 5 disabilities of the department of social services
- 6 shall develop a treatment plan for the inmate and".

KREWSON of Polk

H-5469

- 1 Amend House Concurrent Resolution 127 as follows:
- 2 1. Page 1, line 29, by striking the figure "19"
- 3 and inserting in lieu thereof the figure "26".

TYRRELL of Iowa

H-5470

- 1 Amend House File 2421 as follows:
- 2 1. Page 1, by striking lines 18 through 22 and
- 3 inserting in lieu thereof the words and figures "on
- 4 said the contemplated work. In those instances where
- 5 two or more districts involved are under the
- 6 supervision of the same board, or joint board if the
- 7 district is intercounty, the notice shall be given
- 8 to all landowners affected as prescribed for in
- 9 sections 455.20 to 455.24. Each district".
- 10 2. Page 1, by striking lines 24 through 27 and
- 11 inserting in lieu thereof the words "to the benefits
- 12 derived. Common outlet for the purpose of this section
- 13 shall mean an outlet where two adjacent districts
- 14 have an outlet common to both of said the districts
- 15 and which districts are also continuous, one to the
- 16 other."

MANN of Greene

H-5474

- 1 Amend amendment H-5422 to House File 2436 as follows:
- 2 1. Page 1, line 6, by striking the word "two" and
- 3 inserting in lieu thereof the word "six".

POFFENBERGER of Dallas
DODERER of Johnson

H-5476

- 1 Amend amendment H-5467 to page 2 of House File
- 2 2463 as follows:
- 3 1. Page 1, line 18, by striking the words "subject
- 4 to confirmation by the senate".

JOHNSON of Linn

H-5478

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, line 25, by striking the words "warden
- 3 or superintendent" and inserting in lieu thereof the
- 4 words "director of the division of adult corrections
- 5 or the director's designee".
- 6 2. Page 1, lines 30 and 31, by striking the words
- 7 "warden or superintendent" and inserting in lieu
- 8 thereof the words "director or the director's
- 9 designee".

SPEAR of Lee

H-5480

- 1 Amend the amendment, H-5370, to Senate File 393
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, line 31, by striking the words "one
- 4 cent two cents" and inserting in lieu thereof the
- 5 words "one cent".

WOODS of Polk

H-5488

- 1 Amend the amendment, H-5370, to Senate File 393
- 2 as passed by the Senate, as follows:
- 3 1. Page 2, line 11, by striking the word
- 4 "subsection" and inserting in lieu thereof the word
- 5 "subsections".
- 6 2. Page 2, by inserting after line 18 the
- 7 following:
- 8 "NEW SUBSECTION. A distributor shall not be
- 9 required to accept empty beverage containers from
- 10 a dealer or a person operating an approved or
- 11 unapproved redemption center if the empty beverage
- 12 containers have not been sorted and separated according
- 13 to the brand and size of the container."

BYERLY of Polk

H-5489

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, by striking lines 3 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "3. The landlord shall not abuse the right of
- 5 access or use it to harass the tenant. Except in
- 6 case of emergency or if it is impracticable to do so,
- 7 the landlord shall give the tenant at least twenty-
- 8 four hours' notice of the landlord's intent to enter
- 9 and enter only at reasonable times. Entry by a
- 10 landlord without notice, except in case of emergency,
- 11 or if it is impracticable to do so, entitles the
- 12 tenant to terminate the rental agreement affecting
- 13 the premises, not later than the due date of the
- 14 next ensuing rental payment under said agreement."

DODERER of Johnson
HANSON of Delaware

H-5493

- 1 Amend House File 2465 as follows:
- 2 1. Page 9, by inserting after line 15 the follow-
- 3 ing:
- 4 "Sec. . Section 281.5, Code 1981, is repealed."

CLEMENTS of Scott

H-5494

- 1 Amend House File 2389 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 562A.15, subsection 1, Code
- 5 1981, is amended by adding the following new lettered
- 6 paragraph:
- 7 NEW LETTERED PARAGRAPH. g. Provide an interior
- 8 chain security lock for all doors opening to the
- 9 exterior of each apartment."

JOHNSON of Linn

H-5503

- 1 Amend amendment H-5479 to House File 2465 as follows:
- 2 1. Page 1, by adding after line 9, the following:
- 3 "Sec. . Section 684.19, unnumbered paragraph 1,
- 4 is amended to read as follows:
- 5 Any such rules and forms prescribed by the supreme

6 court shall be reported by it to the general assembly
7 within twenty days after the commencement of either
8 regular session and shall take effect July 1 following
9 the date of their submission, with such changes, if
10 any, as may have been enacted at such session; and
11 thereafter all laws in conflict therewith shall be of
12 no further force or effect.

SCHROEDER of Pottawattamie

H-5505

1 Amend amendment H-5365 to House File 2350,
2 as follows:
3 1. Page 1, line 24, by striking the words
4 "two hundred fifty" and inserting in lieu thereof
5 the following: "two four hundred fifty".

BRANDT of Black Hawk
SPEAR of Lee

H-5510

1 Amend House File 2386 as follows:
2 1. By striking everything after the enacting clause
3 and inserting in lieu thereof the following:
4 "Section 1. Section 28E.5, Code 1981, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. The method and manner for conducting
7 an audit."

JOHNSON of Linn

H-5512

1 Amend House File 2389 as follows:
2 1. Page 1, line 11, by inserting after the word
3 "entrance." the following: "As used in this
4 subsection, "landlord" means the owner, lessor, or
5 sublessor of a dwelling unit or the building of which
6 the dwelling unit is a part, and does not mean a
7 manager of the premises even if the manager fails
8 to disclose as required by section 562A.13."

STURGEON of Woodbury

H-5513

1 Amend House File 2389 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 562A.19, subsection 3, Code
5 1981, is amended to read as follows:

6 3. The landlord shall not abuse the right of
7 access or use it to harass the tenant. Except in
8 case of emergency or if it is impracticable to do
9 so, the landlord shall give the tenant at least twenty-
10 four hours' one hour's notice of the landlord's intent
11 to enter and enter only at reasonable times. Upon
12 entering a dwelling unit in the tenant's absence,
13 the landlord shall leave a dated and signed note or
14 a dated business card in a conspicuous place, to
15 inform the tenant of the landlord's entrance."

JOHNSON of Linn

H-5516

1 Amend House File 2421 as follows:

2 1. Page 1, by striking lines 18 through 22 and
3 inserting in lieu thereof the following: "on said
4 the contemplated work. In those instances where two
5 or more districts involved are under the supervision
6 of the same board, or joint board if the district
7 is intercounty, the notice shall be given to all
8 landowners affected as prescribed for in sections
9 455.20 to 455.24. Each district".

10 2. Page 1, by striking lines 24 through 27 and
11 inserting in lieu thereof the words "to the benefits
12 derived. Common outlet for the purpose of this section
13 shall mean an outlet where two adjacent districts
14 have an outlet common to both of said districts and
15 which districts are also contiguous, one to the other."

16 3. Page 2, by striking lines 4 through 8 and
17 inserting in lieu thereof the words "of such the
18 district. Provided, however, that no drainage district
19 or districts shall be charged or assessed any of the
20 cost for land or work done unless previously agreed
21 to by the board of supervisors or trustees of all
22 of the drainage districts which will be assessed."

MAULSBY of Calhoun

H-5517

1 Amend Senate File 503 as passed by the Senate,
2 as follows:

3 1. Page 2, by striking lines 5 through 9 and
4 inserting in lieu thereof the following: "the hearing
5 on said the contemplated work. In those instances
6 where two or more districts involved are under the
7 supervision of the same board, or joint board if the

- 8 district is intercounty, the notice shall be given
9 to all landowners affected as prescribed for in
10 sections 455.20 to 455.24."
11 2. Page 2, by striking lines 11 through 15 and
12 inserting in lieu thereof the words "in proportion
13 to the benefits derived. Common outlet for the purpose
14 of this section shall mean an outlet where two adjacent
15 districts have an outlet common to both of said
16 districts and which districts are also contiguous,
17 one to the other."
18 3. Page 2, by striking lines 27 through 31 and
19 inserting in lieu thereof the words "funds of such
20 the district. Provided, however, that no drainage
21 district or districts shall be charged or assessed
22 any of the cost for land or work done unless previously
23 agreed to by the board of supervisors or trustees
24 of all of the drainage districts which will be
25 assessed."

MAULSBY of Calhoun

H-5526

- 1 Amend amendment H-5482 to amendment H-5448, to
2 House File 2439, as follows:
3 1. Page 1, line 6, by striking the word
4 "broker's" and inserting in lieu thereof the word
5 "salesperson's".

PELTON of Clinton

H-5528

- 1 Amend Senate File 2283 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking line 27 through page 4,
4 line 3.
5 2. By renumbering the sections to conform with
6 this amendment.

SWEARINGEN of Keokuk

H-5532

- 1 Amend amendment H-5370 to Senate File 393, as
2 follows:
3 1. By striking page 1, line 49 through page
4 2, line 18.

POFFENBERGER of Dallas
MULLINS of Kossuth
PELTON of Clinton
RITSEMA of Sioux
HOWELL of Floyd

H-5547

1 Amend Senate File 2262, as passed by the Senate,
2 as follows:

3 1. Page 1, lines 8 and 9, by striking the words
4 "or made inoperable by placing road materials over
5 the track".

DANKER of Pottawattamie

H-5548

1 Amend House File 2464 as follows:

2 1. Page 8, by inserting after line 28 the
3 following:

4 "Sec. . Section 419.1, subsection 14, Code
5 1981, is amended by striking the subsection.

6 Sec. . Section 419.2, subsection 5, Code 1981,
7 is amended to read as follows:

8 5. To issue revenue bonds for the purpose of
9 defraying the cost of any project and to secure payment
10 of such the bonds as provided in this chapter.

11 However, in the case of a project suitable for the
12 use of a beginning businessperson, the bonds may not
13 exceed the aggregate principal amount of five hundred
14 thousand dollars."

15 2. Renumber as necessary.

HALVORSON of Webster
KREWSON of Polk

H-5549

1 Amend Senate File 2234 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, lines 5 and 6, by striking the words
4 "for irrigation purposes".

STUELAND of Clinton
PELLETT of Cass
COOK of Hardin
COCHRAN of Webster
JAY of Appanoose

H-5550

1 Amend Senate File 2091, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 2 the following
4 new section:

- 5 "Sec. . Section 312.2, subsections 1, 2, and
 6 4, Code 1981, are amended to read as follows:
 7 1. To the primary road fund, forty-five forty-
 8 four and one-half percent.
 9 2. To the secondary road fund of the counties,
 10 twenty-eight twenty-seven and one-half percent.
 11 4. To the street construction fund of the cities,
 12 eighteen nineteen percent."
 13 2. Amend the title, line 4, by inserting after
 14 the word "ethanol," the words "reallocating moneys
 15 in the road use tax fund,".
 16 3. Renumber sections and correct internal
 17 references as are necessary in accordance with this
 18 amendment.

RUNNING of Linn
 WOODS of Polk
 LIND of Black Hawk
 O'KANE of Woodbury
 HORN of Linn
 SMITH of Scott
 RAPP of Black Hawk
 PAVICH of Pottawattamie
 STURGEON of Woodbury
 CONNOLLY of Dubuque
 HOFFMANN-BRIGHT of Muscatine
 HALVORSON of Clayton
 PELTON of Clinton
 HANSON of Delaware
 LLOYD-JONES of Johnson
 ARNOULD of Scott
 RENAUD of Polk

DIEMER of Black Hawk
 CHIDO of Polk
 SCHNEKLOTH of Scott
 JOHNSON of Linn
 HALL of Linn
 CARPENTER of Polk
 FEY of Scott
 SMALLEY of Polk
 CONNORS of Polk
 DODERER of Johnson
 JOCHUM of Dubuque
 ROSENBERG of Story
 KREWSON of Polk
 WALTER of Pottawattamie
 BYERLY of Polk
 BRUNER of Story
 BAXTER of Des Moines
 CRABB of Crawford
 PONCY of Wapello

H-5552

- 1 Amend House File 2464 as follows:
 2 1. Page 5, by inserting after line 3 the
 3 following:
 4 "3. At least twenty-five percent of the total
 5 principal amount of bonds and notes authorized for
 6 the program pursuant to section 3 of this Act shall
 7 be reserved for loans to small businesses having
 8 twenty or fewer full-time equivalent positions at
 9 the time of the loan."

SCHROEDER of Pottawattamie

H-5553

1 Amend House File 2464 as follows:

2 1. By striking page 1, line 32 through page 2,
3 line 16 and inserting in lieu thereof the following:

4 "NEW SUBSECTION. "Small business" means as
5 defined in 13 C.F.R. sec. 121.3-11."

6 2. Page 5, by inserting after line 3 the
7 following:

8 "3. At least twenty-five percent of the total
9 principal amount of bonds and notes authorized for
10 the program pursuant to section 3 of this Act shall
11 be reserved for loans to businesses having twenty
12 or fewer full-time equivalent positions at the time
13 of the loan."

SCHROEDER of Pottawattamie

H-5554

1 Amend the Lind amendment, H-5459, to House File
2 2465 as follows:

3 1. Page 1, lines 18 and 19, by striking the words
4 "the posted speed limit" and inserting in lieu thereof
5 the words "a posted speed limit of thirty-five miles
6 per hour or greater".

7 2. Page 1, by inserting after line 23 the
8 following:

9 " . Page 6, by inserting after line 20 the
10 following:

11 "Sec. . Section 321.210, unnumbered paragraph
12 6, Code 1981, is amended to read as follows:

13 However, a warning memorandum, summons, conviction
14 or forfeiture of bail not vacated, for a violation
15 of any section of the Code or any municipal ordinance
16 pertaining to the standards to be maintained for motor
17 vehicle equipment, except sections 321.430 or 321.431
18 or any municipal ordinance pertaining to motor vehicle
19 brake requirements, shall not be taken into
20 consideration in determining suspension or the length
21 of suspension of an operator's or chauffeur's license.
22 A violation of sections 321.430 or 321.431 or any
23 municipal ordinance pertaining to motor vehicle brake
24 requirements shall not be taken into consideration
25 in determining suspension or the length of suspension
26 of an operator's or chauffeur's license if the
27 equipment in violation of the Code or municipal
28 ordinance has been repaired within seventy-two hours
29 of such warning memorandum, summons, conviction, or
30 forfeiture of bail not vacated, and evidence of such
31 repair has immediately been sent to the director.

32 The accumulation by a licensee of six or fewer
33 scheduled speeding violations within a twelve-month
34 period in speed zones of thirty-five miles per hour
35 or greater is not sufficient cause for the department
36 to suspend the person's operator's or chauffeur's
37 license if none of the violations are greater than
38 ten miles per hour over the legal speed limit."
39 3. Renumber as necessary.

LIND of Black Hawk
HOFFMANN-BRIGHT of Muscatine
SCHROEDER of Pottawattamie
HORN of Linn
BYERLY of Polk

H—5559

1 Amend amendment H—5423, to House File 2462, as
2 follows:
3 1. Page 1, by striking lines 2 through 5, and
4 inserting in lieu thereof the following:
5 "1. Page 1, line 21, by inserting after the word
6 "institution" the words "in which case the amount
7 of payment under paragraph a is fifty dollars" "

SPEAR of Lee

H—5564

1 Amend the Diemer et al amendment, H—5550, to Senate
2 File 2091, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 1, lines 7 and 8, by striking the words
5 "forty-five forty-four and one-half" and inserting
6 in lieu thereof the word "forty-five".
7 2. Page 1, line 10, by striking the words "twenty-
8 seven and one-half" and inserting in lieu thereof
9 the word "twenty-nine".
10 3. Page 1, line 12, by striking the word "nineteen"
11 and inserting in lieu thereof the word "seventeen".

MAULSBY of Calhoun
GROSS of Ringgold
BRANSTAD of Winnebago

TYRRELL of Iowa
RENKEN of Grundy
COOK of Hardin
HANSEN of O'Brien
ANDERSON of Audubon

H-5571

1 Amend the Lind amendment, H-5459, to House File
2 2465 as follows:

3 1. Page 1, by striking lines 2 through 25 and
4 inserting in lieu thereof the following:

5 "1. Page 5, by inserting after line 34 the
6 following:

7 "Sec. . Section 321.200, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
10 321.491 and other contrary provisions of the Code,
11 records of the department of speeding violations in
12 speed zones of thirty-five miles per hour or greater
13 shall remain confidential with the department if the
14 violations are not greater than ten miles per hour
15 over the legal speed limit. However such violations
16 shall be public records during any period when more
17 than six violations have occurred in the preceding
18 twelve months."

19 2. Page 6, by inserting after line 20 the
20 following:

21 "Sec. . Section 321.210, unnumbered paragraph
22 6, Code 1981, is amended to read as follows:

23 However, a warning memorandum, summons, conviction
24 or forfeiture of bail not vacated, for a violation
25 of any section of the Code or any municipal ordinance
26 pertaining to the standards to be maintained for motor
27 vehicle equipment, except sections 321.430 or 321.431
28 or any municipal ordinance pertaining to motor vehicle
29 brake requirements, shall not be taken into
30 consideration in determining suspension or the length
31 of suspension of an operator's or chauffeur's license.
32 A violation of sections 321.430 or 321.431 or any
33 municipal ordinance pertaining to motor vehicle brake
34 requirements shall not be taken into consideration
35 in determining suspension or the length of suspension
36 of an operator's or chauffeur's license if the
37 equipment in violation of the Code or municipal
38 ordinance has been repaired within seventy-two hours
39 of such warning memorandum, summons, conviction, or
40 forfeiture of bail not vacated, and evidence of such
41 repair has immediately been sent to the director.

42 The accumulation by a licensee of six or fewer
43 scheduled speeding violations within a twelve-month
44 period in speed zones of thirty-five miles per hour
45 or greater is not sufficient cause for the department
46 to suspend the person's operator's or chauffeur's
47 license if none of the violations are greater than
48 ten miles per hour over the legal speed limit."

49 3. Renumber sections as necessary."

LIND of Black Hawk
HOFFMANN-BRIGHT of Muscatine
SCHROEDER of Pottawattamie

H-5574

1 Amend Senate File 2266 as passed by the Senate,
2 as follows:

3 1. Page 1, line 11, by inserting after the number
4 "907.3." the following: "A person may have pursuant
5 to this section mandatory consideration of dismissal
6 of prosecution or mandatory consideration of deferring
7 judgment or deferring or suspending sentences, only
8 once."

9 2. Page 1, by inserting after line 11, the
10 following:

11 "Sec. 2. Section 907.3, subsection 1, unnumbered
12 paragraph 2, is amended by adding the following new
13 lettered subparagraph:

14 NEW LETTERED SUBPARAGRAPH. The offense is a
15 fraudulent practice under section 239.14, 249.11,
16 or 249A.7 and the defendant previously received
17 mandatory consideration of dismissal of prosecution
18 or mandatory consideration of deferring judgment or
19 deferring or suspending sentence, pursuant to section
20 1 of this Act."

WELSH of Dubuque

H-5576

1 Amend Senate File 2256 as follows:

2 1. Page 1, by striking lines 8 through 10 and
3 inserting in lieu thereof the following: "owner of
4 the travel trailer.

5 Upon consummation of a sale, the owner shall endorse
6 an assignment and warranty of title upon the
7 certificate of title for the travel trailer with a
8 statement of all liens and encumbrances on the vehicle.
9 The owner shall also date and sign the reverse side
10 of the registration receipt for the vehicle indicating
11 the name and address of the transferee. A dealer
12 shall not sell on consignment a used travel trailer
13 without delivering to the purchaser or transferee
14 a certificate of title properly assigned to the
15 purchaser. The transferee shall apply for a new
16 registration and certificate of title as required
17 in section 321.46. To the extent not inconsistent
18 with this section, the registration and title
19 provisions of chapter 321 apply to consignment sales
20 of travel trailers."

21 2. Page 1, by inserting after line 15, the
22 following:

23 "Sec. . This Act takes effect January 1, 1983."

24 3. By renumbering sections as necessary.

Committee on Transportation

H-5581

- 1 Amend House File 2468 as follows:
- 2 1. Page 2, line 14, by inserting after the period
- 3 the words "Each district judge designated by the
- 4 supreme court shall attend an annual school on utility
- 5 rate regulation, to be sponsored and supervised by
- 6 the Iowa state commerce commission."

JOHNSON of Linn

H-5584

- 1 Amend Senate File 2132 as follows:
- 2 1. Page 1, by inserting after line 4 the following:
- 3 "Sec. . Section 68B.10, subsection 2, Code
- 4 1981, is amended to read as follows:
- 5 2. Prepare rules relating to lobbyists and lobbying
- 6 activities in the general assembly. Except as
- 7 otherwise provided in this subsection, these rules
- 8 shall require each lobbyist to report the amount and
- 9 source of income in excess of five hundred dollars
- 10 received from any person who has retained the services
- 11 of the lobbyist for the passage, defeat, or
- 12 modification of legislation. If the lobbyist's
- 13 employment includes duties in addition to lobbying,
- 14 the rules shall provide that the lobbyist list the
- 15 percent of the lobbyist's time spent lobbying and
- 16 the report containing the amount of income from
- 17 lobbying shall include only that portion of the
- 18 lobbyist's income."
- 19 2. Title page, line 1, by inserting after the
- 20 word "Act" the words "relating to lobbying
- 21 activities,".
- 22 3. Title page, line 4, by inserting after the
- 23 word "assembly" the words "and to provide requirements
- 24 for rules relating to lobbyists".
- 25 4. Renumber as necessary.

STURGEON of Woodbury

H-5588

- 1 Amend Senate File 2162 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "state" the words "or any railroad right of way".

COCHRAN of Webster

H-5589

- 1 Amend Senate File 2290, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 4 through 8 and
- 4 inserting in lieu thereof the following:
- 5 "NEW SUBSECTION. A licensed grain dealer shall
- 6 request identification from any person who sells grain
- 7 containing confetti, if the confetti appears in the
- 8 grain sample, or is observed by the grain dealer.
- 9 The dealer shall maintain records for a period of
- 10 one year identifying the seller and the confetti
- 11 number by listing the information on the scale weight
- 12 ticket or contract."

STUELAND of Clinton
BENNETT of Ida
KNAPP of Dubuque

H-5593

- 1 Amend amendment H-5583, the Committee on State
- 2 Government amendment, to Senate File 2178, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 6, lines 49 and 50, by striking the words
- 5 "not to exceed one," and inserting in lieu thereof
- 6 the words "not to exceed one."

BYERLY of Polk

H-5596

- 1 Amend House File 2451 as follows:
- 2 1. Page 1, line 14, by striking the words and
- 3 figures "year beginning July 1, 1981" and inserting
- 4 in lieu thereof the words and figures "year years
- 5 beginning July 1, 1981 and July 1, 1982".
- 6 2. Page 1, by striking line 15 and inserting in
- 7 lieu thereof the words and figures "budget school
- 8 year beginning July 1, 1982".
- 9 3. Page 1, line 16, by striking the figure "1983".
- 10 4. Page 1, by striking lines 28 through 30 and
- 11 inserting in lieu thereof the words and figures "school
- 12 year years beginning July 1, 1981 and July 1, 1983,
- 13 and that one hundred percent amount for the budget
- 14 school year beginning July 1, 1982."

HORN of Linn

H-5598

- 1 Amend House File 2451 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the following:
- 4 "4. For the school years beginning July 1, 1980,
- 5 July 1, 1981, and July 1, 1982 only, if if an amount".
- 6 2. Page 1, lines 15 and 16, by striking the words
- 7 and figures "and July 1, 1983".
- 8 3. Page 1, line 30, by striking the words and
- 9 figures "and July 1, 1983".

GROTH of Buena Vista

H-5599

- 1 Amend House File 2451 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 442.4, subsection 3, Code
- 5 1981, is amended to read as follows:
- 6 3. For the school year beginning July 1, 1980
- 7 1983, and each subsequent school year, budget
- 8 enrollment means the sum of the following:
- 9 a. ~~Twenty-five~~ Thirty percent of the basic
- 10 enrollment for the school year beginning July 1, 1979.
- 11 b. ~~Seventy-five~~ Seventy percent of the adjusted
- 12 enrollment computed under subsection 2, paragraph
- 13 "a," of this section.
- 14 c. Adjustments made by the state comptroller under
- 15 subsection 4 of this section."
- 16 2. By renumbering sections as necessary.

NORLAND of Worth

H-5601

- 1 Amend Senate File 2132 as follows:
- 2 1. Page 1, line 3, by striking the word
- 3 "thirty" and inserting in lieu thereof the following:
- 4 "thirty sixty".

SCHROEDER of Pottawattamie

H-5607

- 1 Amend Senate File 2261 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting after line 23 the
- 4 following:

5 "Sec. . The provisions of section 4.13,
6 subsections 1 and 2 shall apply to the payment of
7 an outstanding warrant issued before the effective
8 date of this Act and the owner of an outstanding
9 warrant canceled after two years from the date of
10 issue may file a claim for payment within the time
11 limits provided in this Act."

Committee on County Government

H-5612

1 Amend amendment H-5596, filed by Horn, to House
2 File 2451 as follows:
3 1. Page 1, line 5, by striking the figure "1982"
4 and inserting in lieu thereof the figure "1983".

HORN of Linn

H-5613

1 Amend amendment H-5581 to House File 2468 as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 "school" the words "or continuing education seminar".
5 2. By striking lines 5 and 6 and inserting in
6 lieu thereof the words and figures "rate regulation.
7 The chief justice, with the advice of the supreme
8 court, shall determine the time, place and sponsor
9 of the school or seminar. The supreme court shall
10 certify to the Iowa state commerce commission the
11 annual amount expended by the state in providing the
12 rate-regulation training required by this subsection,
13 or six thousand dollars, whichever is less, and the
14 commission shall assess the amount certified against
15 rate-regulated public utilities in the manner provided
16 in section 476.10, unnumbered paragraph 2."

JOHNSON of Linn

H-5616

1 Amend Senate File 403, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 10 through 13 and
4 inserting in lieu thereof the words "is the nearest
5 feasible route to an existing public road. Such".
6 2. Page 1, line 18, by inserting after the period
7 the words "The amount of compensation for the property
8 condemned under this subsection shall be determined
9 under the procedures provided in chapter 472 and all
10 costs incurred shall be paid by the condemner."

11 3. Page 1, line 24, by inserting after the figure
12 "306.4" the words "unless the county board of
13 supervisors, by resolution, includes the public way
14 as part of the county road system".

SCHROEDER of Pottawattamie

H-5621

1 Amend Senate File 2103 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 476.25, Code 1981, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. Except as provided in a contract
8 approved by the commission pursuant to subsection
9 2 of this section, an electric utility shall not
10 construct facilities in an exclusive service area
11 assigned to another electric utility. Violation of
12 this provision is a serious misdemeanor.

13 Sec. 2. Section 478.1, Code 1981, is amended to
14 read as follows:

15 478.1 FRANCHISE. No individual, company, or
16 corporation shall construct, erect, maintain, or
17 operate any transmission line, wire, or cable along,
18 over, or across any public highway or grounds outside
19 of cities for the transmission, distribution, or sale
20 of electric current, without first procuring from
21 the state commerce commission a franchise granting
22 authority so to do as in this chapter provided.
23 However, a person who seeks to construct, erect,
24 maintain or operate any transmission line, wire or
25 cable which will operate at an electric voltage of
26 less than thirty-four point five kilovolts over,
27 along, or across any lands other than public highways
28 or grounds outside of cities and who cannot secure
29 the necessary voluntary easements to do so may petition
30 the commission pursuant to the requirements of section
31 478.3, subsection 1 for a franchise and the use of
32 the right of eminent domain.

33 Sec. 3. Section 478.7, Code 1981, is amended by
34 adding the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. All transmission lines,
36 wires or cables outside of cities for the transmission,
37 distribution or sale of electric current at any voltage
38 shall be constructed and maintained in accordance
39 with standards adopted by the commission pursuant
40 to chapter 17A.

41 Sec. 4. Nothing in this Act shall be deemed in
42 any way to conflict with or alter the provision of
43 section 476.25, except as provided in section 1 of
44 this Act."

JOHNSON of Linn

H—5642

1 Amend amendment H—5583, the Committee on State
2 Government amendment to Senate File 2178, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. By striking page 7, line 36 through page 8,
5 line 1 and inserting in lieu thereof the following:
6 "county sheriff, as defined in section 39.17, or
7 as a deputy sheriff appointed pursuant to chapter
8 341 section 341.1, Code 1981, or section 331.903,
9 Code 1981 Supplement, or as a marshal or police officer
10 in a city not covered under chapter 400, and who
11 retires on or after between January 1, 1978 and June
12 30, 1982 and at the time of retirement is at least
13 sixty years of age and has completed at least twenty-
14 five years of membership service as a county sheriff
15 or, deputy sheriff, or marshal or police officer as
16 defined in this subsection, may elect to receive,
17 in lieu of the benefits under subsection 5 of this
18 section, a monthly retirement allowance equal to one-
19 twelfth of forty-seven percent of the member's five-
20 year average covered wage as a sheriff or, deputy
21 sheriff multiplied by a fraction of years of service,
22 or marshal or police officer as defined in this
23 subsection, with benefits payable during the member's
24 lifetime. For each sheriff, deputy sheriff, and
25 marshal or police officer as defined in this section
26 eligible for benefits under this paragraph".

WELSH of Dubuque
COCHRAN of Webster
HORN of Linn
JAY of Appanoose
HOWELL of Floyd

H—5643

1 Amend House File 2342 as follows:
2 1. Page 3, line 34, by inserting after the period
3 the words "A consignor who gives false information
4 relating to the origin, identification, destination,
5 health, or other disposition of livestock is guilty
6 of a fraudulent practice and sections 714.9 through
7 714.14 shall apply."
8 2. Title page, line 3, by inserting after the
9 words "and civil" the words "and criminal".

DAGGETT of Taylor

H-5644

- 1 Amend Senate File 2262, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, lines 8 and 9, by striking the words
- 4 "or made inoperable by placing road materials over
- 5 the track".

Committee on Transportation

H-5647

- 1 Amend Senate File 2258 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 631.1, subsection 1, Code
- 6 1981, is amended to read as follows:
- 7 1. The following actions or claims are small
- 8 claims and shall be commenced, heard and determined
- 9 as provided in this chapter:
- 10 A civil action for a money judgment where the
- 11 amount in controversy is one two thousand five hundred
- 12 dollars or less, exclusive of interest and costs."
- 13 2. By renumbering sections.

Committee on Judiciary and Law Enforcement

H-5651

- 1 Amend the amendment, H-5621, to Senate File 2103,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 32 the
- 5 following:
- 6 A voluntary easement granted for the construction
- 7 or operation of a transmission line, wire or cable
- 8 outside of cities, of thirty-four thousand five hundred
- 9 volts or less, for which a franchise is not required
- 10 under this chapter, for the transmission, distribution
- 11 or sale of electric current shall remain in effect
- 12 no longer than two years after use for such purposes
- 13 shall cease. At the conclusion of the two year term
- 14 the voluntary easement shall terminate and revert
- 15 to the grantor or successors in interest."

JOHNSON of Linn

H-5652

1 Amend House File 2428 as follows:

2 1. Page 1, line 5, by striking the word "may"

3 and inserting in lieu thereof the word "shall".

4 2. Page 1, by inserting after line 15 the following

5 new section:

6 "Sec. . Section 135D.25, Code 1981, is amended

7 to read as follows:

8 135D.25 APPORTIONMENT OF TAXES. The tax and

9 penalties collected under the provisions of section

10 135D.24, shall be apportioned in the same manner as

11 though they were the proceeds of taxes levied on real

12 property at the same location as such mobile home.

13 If the tax and penalties collected under section

14 135D.24 are collected in a county other than that

15 in which they became due and payable, the amount

16 collected shall be paid to the county where the tax

17 and penalty were incurred."

18 3. Renumber sections and correct internal

19 references as are necessary in accordance with this

20 amendment.

KREWSON of Polk

H-5659

1 Amend Senate File 2091, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting after line 9 the following:

4 "Any person required to purchase motor fuel which

5 is blended with ethanol for propelling any engine

6 and where subsequent damage to the engine is directly

7 or indirectly attributable to the use of motor fuel

8 which is blended with ethanol shall have a cause of

9 action for actual damages against the state. The

10 claim for actual damages shall be filed with the

11 treasurer of state and paid to the claimant by the

12 treasurer of state from the road use tax fund."

LIND of Black Hawk

H-5661

1 Amend Senate File 2195 as follows:

2 1. Page 1, by inserting after line 12 the

3 following:

4 "Sec. . Section 524.706, subsection 1, paragraph

5 a, Code 1981, is amended to read as follows:

6 a. An executive officer of a state bank may receive

7 loans or extensions of credit from a state bank of

8 which he the person is an executive officer, resulting
9 in obligations as defined in section 524.904,
10 subsection 1, not exceeding, in the aggregate:

11 (1) Such amount as the bank is permitted to lend
12 pursuant to section 524.905, subsection 2, if, at
13 the time such obligation is incurred, it is An amount
14 secured by a first lien on a dwelling which is
15 expected, after the obligation is incurred, to be
16 owned by the executive officer and used by him as
17 his the officer's residence, provided that at the
18 time after the loan is made there is no other loan
19 by the bank to the executive officer, under authority
20 of this subparagraph, outstanding; and.

21 (2) An amount not exceeding an aggregate of twenty
22 thousand dollars outstanding at any one time, to
23 finance the education of a child or children of the
24 executive officer; and.

25 (3) Any other loans or extensions of credit which
26 in the aggregate do not at any one time exceed ten
27 thousand dollars.

28 (4) Other amounts which do not, in the aggregate,
29 exceed the principal amounts of time certificates
30 of deposit in the bank which are held in the name
31 of the executive officer, if repayment of the loan
32 or credit amounts is at all times secured by pledge
33 of the certificates. An interest in or portion of
34 a time certificate of deposit does not satisfy the
35 requirements of this subparagraph if that interest
36 or portion is also pledged to secure the payment of
37 a debt or obligation of any person other than the
38 executive officer."

39 2. Renumber sections as necessary.

SCHROEDER of Pottawattamie
VAN MAANEN of Mahaska

H-5664

1 Amend Senate File 482 as follows:

2 1. Page 1, line 10, by striking the words "or
3 taken".

4 2. Page 1, line 17, by striking the words "or
5 taking".

O'KANE of Woodbury

H-5665

1 Amend amendment H-5583, the Committee on State
2 Government amendment, to Senate File 2178, as amended,
3 passed and reprinted by the Senate, as follows:

4 1. By striking page 5, line 45, through page 6,
 5 line 1, and inserting in lieu thereof the following:
 6 "covered wages shall be determined using the member's
 7 highest five calendar years. However, if a member's
 8 final quarter of a year of employment does not occur
 9 at the end of a calendar year, the department may
 10 substitute the wages of the member's final quarter
 11 or quarters for wages for a lower quarter or quarters
 12 that would otherwise be used in the computation."

SPEAR of Lee

H-5672

1 Amend Senate File 2243 as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 7 through 9 and
 4 inserting in lieu thereof the following: "maximum
 5 permissible sulfate content shall not provide for
 6 different content levels based upon the age or volume
 7 of use or capacity of the anaerobic lagoon facility,
 8 but may establish different content levels for animal
 9 feeding and industrial anaerobic lagoons."

CRABB of Crawford

H-5673

1 Amend House Amendment H-5536 to Senate File 2221
 2 as amended, passed and reprinted by the Senate as
 3 follows:
 4 1. Page 1, by striking lines 6 through 14 and
 5 inserting in lieu thereof the following:
 6 "(1) Quack grass—*Agropyron repens* (L.) Beauv.
 7 (2) Canada thistle—*Cirsium arvense* (L.) Scop.
 8 (3) Perennial sow thistle—*Sonchus arvensis* L.
 9 (4) Perennial pepper grass (hoary cress)—*Cardaria*
 10 *draba* (L.) Desv.
 11 (5) European morning-glory (field bindweed)—
 12 *Convolvulus arvensis* L.
 13 (6) Horse nettle—*Solanum carolinense* L.
 14 (7) Leafy spurge—*Euphorbia esula* L.
 15 (8) Russian knapweed—*Centaurea repens* L."
 16 2. Page 1, by striking lines 18 through 27 and
 17 inserting in lieu thereof the following:
 18 "(1) Wild carrot—*Daucus carota* L.
 19 (2) Sour dock (curly dock)—*Rumex crispus* L.
 20 (3) Smooth dock—*Rumex altissimus* Wood.
 21 (4) Sheep sorrel (red sorrel)—*Rumex acetosella*
 22 L.
 23 (5) Butterprint (velvet leaf)—*Abutilon theophrasti*
 24 Medic.

- 25 (6) Mustards—*Brassica juncea* (L.) Coss., *Sinapis*
26 *arvensis* L. and *B. nigra* (L.) Koch.
27 (7) Cocklebur—*Xanthium strumarium* L.
28 (8) Buckhorn—*Plantago lanceolata* L.
29 (9) Dodders—*Cuscuta* species
30 (10) Giant foxtail—*Setaria faberii* Herrm."

COOK of Hardin

H—5676

1 Amend amendment H—5370 to Senate File 393 as passed
2 by the Senate, as follows:

3 1. Page 2, by inserting after line 18 the
4 following:

5 "Sec. 6. Section 455C.12, subsection 1, Code 1981,
6 is amended to read as follows:

7 1. Any person violating the provisions of section
8 455C.2, 455C.3, 455C.5, and 455C.8, or section 7 of
9 this Act, or a rule adopted under this chapter shall
10 be is guilty of a simple misdemeanor.

11 Sec. 7. Chapter 455C, Code 1981, is amended by
12 adding the following new section:

13 NEW SECTION. BOND REQUIRED.

14 1. For purposes of this section "handling service"
15 means soliciting or picking up empty beverage
16 containers from a dealer or person operating a
17 redemption center for the purpose of returning the
18 empty beverage containers to a distributor or
19 manufacturer but does not include the service provided
20 by the person who enters into an agreement with a
21 distributor under section 455C.13.

22 2. A person shall not provide a handling service
23 without first obtaining a permit from the department.
24 The department shall issue permits to applicants who
25 comply with this section. In order to obtain a permit,
26 a person who provides a handling service shall file
27 an application with the department in the form and
28 manner prescribed by the department and shall include
29 information which is necessary for the department
30 to determine the amount of the bond. Before the
31 permit is issued, the person providing a handling
32 service shall file with the department a bond, issued
33 by a surety company authorized to transact business
34 in this state and approved by the commissioner of
35 insurance as to solvency and responsibility, in an
36 amount determined by the director to secure adequate
37 payment of the refund values and handling fees due
38 to dealers or persons operating a redemption center,
39 from the person providing a handling service. The
40 aggregate liability of the surety for all breaches

41 of the condition of the bond shall not exceed the
42 penal sum of the bond. In lieu of the bond, securities
43 approved by the director and in an amount determined
44 by the director, may be deposited with the department.
45 The securities may be sold by the director at public
46 or private sale without notice to the depositor of
47 the securities if it is necessary to make payment
48 to a dealer or a person operating a redemption center
49 for refund values and handling fees due by the person
50 who deposited the securities. Upon sale of the

Page 2

1 securities, the surplus above the amount due under
2 this section shall be returned to the person who
3 deposited the securities. The amount of the bond
4 or securities required by the director shall be based
5 on the volume of empty beverage containers handled
6 by the person required to file the bond or deposit
7 the securities. A permit shall expire 12 months from
8 the date of issuance. The holder of a permit shall
9 submit to the department on or before the date a
10 permit expires, information on the volume of empty
11 beverage containers handled by the holder during that
12 year, and the department shall renew the permit if
13 the volume handled has not changed. If the volume
14 handled has increased or decreased, the department
15 shall adjust the bond required or the amount of the
16 securities to reflect the change and the holder's
17 permit shall be renewed when the holder provides for
18 the new bond or deposits any additional securities
19 required.

20 The department shall revoke a permit and require
21 it to be surrendered if it is necessary to make payment
22 under the bond or to sell securities or if the bond
23 is withdrawn for other reasons.

24 3. This section does not apply to distributors
25 or to a sheltered work and work activity center
26 operated by a nonprofit corporation organized under
27 chapter 504 or 504A, an area vocational school or
28 community college, or an agency of this state or a
29 political subdivision of this state.

30 4. The department may impose a civil penalty of
31 not to exceed five hundred dollars upon any person
32 who provides a handling service without a permit or
33 refuses to surrender a revoked permit."

H-5677

1 Amend House Amendment H-5536 to Senate File 2221
 2 as amended, passed and reprinted by the Senate as
 3 follows:

4 1. Page 1, by striking lines 3 through 27 and
 5 inserting in lieu thereof the following:
 6 "1. Page 1, line 28, by inserting after the word
 7 "practices." the following: "For the purpose of this
 8 chapter and the sale of seed, primary noxious weeds
 9 in this state are the seeds of:

10 (1) Quack grass—*Agropyron repens* (L.) Beauv.
 11 (2) Canada thistle—*Cirsium arvense* (L.) Scop.
 12 (3) Perennial sow thistle—*Sonchus arvensis* L.
 13 (4) Perennial pepper grass (hoary cress)—*Cardaria*
 14 *draba* (L.) Desv.

15 (5) European morning-glory (field bindweed)—
 16 *Convolvulus arvensis* L.

17 (6) Horse nettle—*Solanum carolinense* L.

18 (7) Leafy spurge—*Euphorbia esula* L.

19 (8) Russian knapweed—*Centaurea repens* L.

20 2. Page 1, line 31, by inserting after the word
 21 "practices." the following: "For the purpose of this
 22 chapter and the sale of seed, the secondary noxious
 23 weed seeds in this state are the seeds of:

24 (1) Wild carrot—*Daucas carota* L.

25 (2) Sour dock (curly dock)—*Rumex crispus* L.

26 (3) Smooth dock—*Rumex altissimus* Wood.

27 (4) Sheep sorrel (red sorrel)—*Rumex acetosella*
 28 L.

29 (5) Butterprint (velvet leaf)—*Abutilon theophrasti*
 30 Medic.

31 (6) Mustards—*Brassica juncea* (L.) Coss., *Sinapis*
 32 *arvensis* L. and *B. nigra* (L.) Koch.

33 (7) Cocklebur—*Xanthium strumarium* L.

34 (8) Buckhorn—*Plantago lanceolata* L.

35 (9) Dodders—*Cuscuta* species.

36 (10) Giant foxtail—*Setaria faberii* Herrm.

37 (11) Poison hemlock—*Conium maculatum*.

38 (12) Wild sunflower—Wild strain of *Helianthus*
 39 *annus* (L.)

40 (13) Puncture vine—*Tribulus terrestris*."

SCHROEDER of Pottawattamie

H-5683

1 Amend Senate File 2290, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 7 and 8 and inserting
 4 in lieu thereof the following: "other markings. A

5 licensed grain dealer shall request identification
6 from any person who sells grain containing confetti,
7 if the confetti appears in the grain sample, or is
8 observed by the grain dealer or by the dealer's
9 employees. The dealer shall maintain records for
10 a period of one year identifying the seller and the
11 confetti number by listing the information on the
12 scale weight ticket or contract."

Committee on Agriculture

H-5688

1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. NEW SECTION. LEGISLATIVE POLICY.
6 It is a policy of this state to preserve the
7 availability and productivity of agricultural land,
8 to discourage urban sprawl and encourage efficient
9 urban development patterns, to designate and preserve
10 critical areas and designate and control key facilities
11 and large scale developments, to promote efficient
12 use and conservation of energy, to preserve private
13 property rights, and to establish the state policy
14 for the guidance and direction of state agencies in
15 the use of land.
16 The general assembly recognizes the importance
17 of preserving the state's finite supply of agricultural
18 land. Conversion of farmland to urban development,
19 and other nonfarm uses, reduces future food production
20 capabilities and may ultimately undermine agriculture
21 as a major economic activity in Iowa.
22 It is the intent of the general assembly to provide
23 local citizens and local governments the means by
24 which agricultural land may be protected from
25 nonagricultural development pressures. This may be
26 accomplished by the establishment of agricultural
27 districts or agricultural areas in which substantial
28 agricultural activities are encouraged, so that land
29 inside these districts and areas is conserved for
30 the production of food, fiber, and livestock, thus
31 assuring the preservation of agriculture as a major
32 factor in the economy of this state.
33 Sec. 2. NEW SECTION. DEFINITIONS. As used in
34 sections 1 through 28 of this Act unless the context
35 otherwise requires:
36 1. "Department" means the department of soil
37 conservation.

- 38 2. "State commission" means the state land
39 preservation commission.
40 3. "County commission" means a county land
41 preservation commission.
42 4. "State critical area" means an area where
43 substantial evidence indicates that uncontrolled or
44 incompatible development could result in damage to
45 the environment, life, or property, or an area where
46 the long-term public interest is of more than local
47 significance. Such areas shall include but not
48 necessarily be limited to:
49 a. "Fragile or historic lands" where uncontrolled
50 or incompatible development could result in

Page 2

- 1 irreversible damage to important historic, cultural,
2 scientific, or aesthetic values or natural systems
3 which are of more than local significance including
4 open spaces, wilderness areas, greenbelts, shorelands
5 of rivers, lakes, and streams, rare or valuable
6 ecosystems and geological formations, significant
7 wildlife habitats, and unique scenic or historic
8 sites.
9 b. "Natural hazard lands" where uncontrolled or
10 incompatible development could unreasonably endanger
11 life and property including flood plains and areas
12 frequently subject to weather disasters, and areas
13 of unstable geological formations.
14 c. "Renewable resource lands" where uncontrolled
15 or incompatible development which results in the loss
16 or reduction of continued long-range productivity
17 could endanger future water, food, and fiber
18 requirements of more than local concern including
19 watershed lands, aquifers and aquifer recharge areas,
20 and forest lands.
21 5. "Key facility" means a public facility which
22 is expected to result in development and urbanization
23 exceeding local impact, including but not limited
24 to major airports, major highway interchanges including
25 interchanges with frontage roads, access streets and
26 other limited access highways, major recreational
27 land and facilities, and major facilities for the
28 development, generation, or transmission of energy.
29 6. "Large-scale development" means any private
30 development likely to generate issues of more than
31 local significance because of its magnitude or because
32 of its location with respect to its surroundings.
33 7. "Local critical area" means any fragile or
34 historic lands or sites, natural hazard lands,
35 renewable resource lands of local significance, or

36 open spaces of local significance, designated by a
37 city or county, where evidence indicates that
38 development could result in damage to the environment,
39 life, or property, or adversely affect the public
40 interest or well-being, and which is not designated
41 as a state critical area. Such areas shall include
42 but not be limited to wetlands, wilderness areas,
43 wildlife areas, greenbelts or other open spaces,
44 historical sites, and flood plains.
45 8. "Special district" means a benefited water
46 district, a rural water district, a benefited fire
47 district, a benefited street lighting district, school
48 district, sanitary district, or a solid waste disposal
49 project established pursuant to part 1, division IV
50 of chapter 455B.

Page 3

1 9. "Land use" means all activities, occupations,
2 practices, and utilization of space, including ground
3 space, water, subsurface, and air space.

4 10. "Land use planning" means the art, science,
5 and process of arranging ground space, and its
6 accompanying activity patterns, structures, systems,
7 and functions so as to adapt it most economically,
8 functionally, and gracefully to the diverse present
9 and anticipated future activities and occupations
10 of civilized man.

11 11. "Land use policy" means a definite course
12 of action selected after evaluation of alternative
13 courses in order to effectuate wise and prudent
14 decisions for the use of land.

15 12. "Land use guideline" means a statement of
16 the criteria, standards, specifications, and procedures
17 to be used in developing land use policy.

18 13. "Land use goal or objective" means a broad
19 statement of ideals, aims, and desired results of
20 land use planning and policy projected as far as
21 possible into the future.

22 14. "Comprehensive plan" means a document or
23 documents in map, text, tabular, chart, or similar
24 form which illustrates land use goals or objectives
25 and which is used as a tool in present and future
26 land use decision-making.

27 15. "Urban sprawl" means the irregular and
28 uncontrolled development of urban land uses without
29 regard to land use planning as defined in this section.

30 16. "Agricultural land" means land which is
31 suitable as determined by soil surveys and other land
32 capability information, for farming purposes.

33 Agricultural land includes land which is not used

34 for farming purposes but which is suitable for, and
35 can be economically converted to, farming purposes.

36 17. "Agricultural area" means an area meeting
37 the qualifications of section 11 of this Act and
38 designated under section 15 of this Act.

39 18. "Agricultural district" means a district
40 established under section 10 of this Act.

41 19. "County board" means the county board of
42 supervisors.

43 20. "County committee" means the county
44 agricultural area committee.

45 21. "Farm" means the land, buildings, and machinery
46 used in the commercial production of farm products.

47 22. "Farm operation" means a condition or activity
48 which occurs on a farm in connection with the
49 production of farm products and includes but is not
50 limited to the marketing of products at roadside.

Page 4

1 stands or farm markets, the creation of noise, odor,
2 dust, fumes, the operation of machinery and irrigation
3 pumps, ground and aerial seeding and spraying, the
4 application of chemical fertilizers, conditioners,
5 insecticides, pesticides, and herbicides, and the
6 employment and use of labor.

7 23. "Farm products" means those plants and animals
8 and their products which are useful to people and
9 includes but is not limited to forages and sod crops,
10 grains and feed crops, dairy and dairy products,
11 poultry and poultry products, livestock, fruits,
12 vegetables, flowers, seeds, grasses, trees, fish,
13 honey, and other similar products, or any other plant,
14 animal, or plant or animal product which supplies
15 people with food, feed, fiber, or fur.

16 24. "Nuisance" means a public or private nuisance
17 as defined either by statute, administrative rule,
18 ordinance, or the common law.

19 25. "Nuisance action or proceeding" means an
20 action, claim, or proceeding, whether brought at law
21 in equity or as an administrative proceeding, which
22 is based on nuisance.

23 26. "Farmland" means those parcels of land suitable
24 for agricultural production which will continue to
25 be economically feasible for that use if given the
26 protections afforded by this chapter to land within
27 an agricultural area or exclusive agricultural
28 district.

29 Sec. 3. NEW SECTION. COUNTY COMMISSION
30 ESTABLISHED.

31 1. There is created a county land preservation
32 policy commission composed of the following members:
33 a. Three members appointed by and from the district
34 soil conservation commissioners.
35 b. Three members appointed by and from the county
36 board of supervisors.
37 c. Three members appointed by and from a convention
38 of the mayors and councilpersons of the cities of
39 the county. If a participating city contains fifty
40 percent or more of the total population of the
41 participating cities, that city may appoint two of
42 the members appointed under this paragraph.
43 However, if a city contains more than one-half
44 of the population of a county which has a population
45 exceeding fifty thousand persons, that city shall
46 not participate in the convention of mayors and
47 councilpersons and the members appointed under this
48 paragraph shall be three members appointed by and
49 from the mayor and councilpersons of that city and
50 three members appointed by and from the convention

Page 5

1 of mayors and councilpersons and the members appointed
2 under paragraph b of this subsection shall be three
3 county supervisors or township trustees of the county
4 engaged in actual farming operations appointed by
5 the board of supervisors and who shall be chosen first
6 from those supervisors who are engaged in actual
7 farming operations.
8 2. The convention of the mayors and councilpersons
9 shall be organized by the board of supervisors. The
10 members of the county commission shall serve terms
11 of three years. A vacancy shall be filled in the
12 same manner as the original appointment.
13 3. The county commission shall annually meet to
14 organize and elect a chairperson and vice chairperson
15 from among its members. A majority of the members
16 of the county commission shall constitute a quorum
17 and the concurrence of a quorum shall be required
18 to determine any matter relating to its official
19 duties. Each member of the county commission shall
20 be entitled to receive reimbursement for travel and
21 other necessary expenses incurred in the performance
22 of the member's official duties. The reimbursement
23 shall be made from state funds appropriated for this
24 purpose.
25 4. The state agricultural extension service shall
26 assist county commissions with technical,
27 informational, and clerical assistance.
28 Sec. 4. NEW SECTION. STATE COMMISSION ESTABLISHED.

29 1. The state commission shall consist of six
30 members elected from conventions and three members
31 appointed by the governor. Prior to the convention
32 the members of the county commission shall appoint
33 one-third of its membership to attend the convention.
34 One member shall be appointed by the county
35 commissioners appointed by county supervisors, one
36 by those appointed by district soil conservation
37 commissioners, and one for each three members appointed
38 by mayors and councilpersons shall be appointed by
39 and from those members. The county commissioners
40 appointed to the convention from the second, third,
41 and sixth congressional districts shall meet in one
42 convention and those from the first, fourth, and fifth
43 congressional districts shall meet in one convention.
44 At each convention the members appointed by county
45 supervisors, by district soil conservation
46 commissioners, and by mayors and councilpersons shall
47 each meet separately and elect one county commissioner
48 appointed as they were to the state commission. After
49 the convention the governor shall appoint three county
50 commissioners to the state commission, one from those

Page 6

1 appointed by the board of supervisors, one from those
2 appointed by district soil conservation commissioners,
3 and one from those appointed by the mayors and
4 councilpersons. The department shall provide
5 assistance in making the arrangements for the
6 conventions. Each member of each county commission
7 present shall have one vote at the convention.
8 2. The state commission shall convene and organize
9 by the election from its members of a chairperson
10 and a vice chairperson. A majority of the members
11 of the state commission shall constitute a quorum
12 and the concurrence of a quorum shall be required
13 to determine any matter relating to its official
14 duties. Each member of the state commission is
15 entitled to receive a forty dollar per diem and shall
16 be reimbursed for actual and necessary expenses.
17 3. The members of the state commission shall be
18 elected to a term of three years. If a vacancy occurs
19 on the state commission, the department shall call
20 a congressional district convention only of those
21 county commissioners who would elect a member to fill
22 that vacancy.
23 4. The department may employ professional technical
24 and clerical assistance to carry out the state
25 commission's duties. The state commission shall be
26 administratively attached to the department which

27 shall provide support services to the state com-
28 mission.

29 5. Each state agency and agency of a political
30 subdivision of the state shall cooperate, within time,
31 personnel, and budgetary limitations, in providing
32 information, data, surveys, and studies as requested
33 by the state commission.

34 6. The secretary of agriculture, the director
35 of the state agricultural extension service, the
36 director of the state conservation commission, the
37 director of the Iowa natural resources council, the
38 executive director of the department of environmental
39 quality, the director of the office for planning and
40 programming, the state geologist, the director of
41 the Iowa development commission, the director of the
42 department of transportation, the chairman of the
43 city development board, the chairman of the Iowa state
44 commerce commission, the director of the department
45 of soil conservation, and the director of the energy
46 policy council, or their respective designees, shall
47 be ex officio nonvoting members of the state
48 commission.

49 7. The state commission may apply for, receive,
50 and expend any private or public funds for the purposes

Page 7

1 of carrying out sections 1 through 28 of this Act.

2 **Sec. 5. NEW SECTION. DUTIES OF THE STATE**
3 **COMMISSION.** In addition to other duties provided
4 by law, the state commission shall:

5 1. Prepare and recommend to the general assembly
6 by January 1, 1984, a state land use policy and
7 guidelines for the guidance and direction of state
8 agencies, county land preservation policy commissions,
9 cities, counties, and special districts on matters
10 relating to land use.

11 2. Propose other legislation deemed necessary
12 to implement expressed land use policy objectives.

13 3. Recommend criteria to the general assembly
14 by January 1, 1984, for:

15 a. The designation of state critical areas.

16 b. The designation of large-scale developments
17 and key facilities.

18 c. The appraisal of the policies of state agencies
19 to determine the impact of state agency actions on
20 land use policies.

21 4. Establish:

22 a. Procedures for the review and approval of
23 county land use guidelines.

- 24 b. Procedures for the review of comprehensive
25 plans of cities, counties, and special districts.
- 26 c. Procedures for the review and approval of state
27 agency plans and plan modifications that impact on
28 land use.
- 29 d. Procedures for the hearing and determination
30 of a petition by one state agency against another
31 state agency concerning activities that conflict with
32 overall state land use policy.
- 33 5. Provide technical and professional assistance
34 to cities, counties, county commissions, or special
35 districts upon their request, to resolve conflicts
36 with the plans of adjacent jurisdictions or regarding
37 projects involving more than one county.
- 38 6. Mediate land use conflicts within a county
39 upon the request of all the parties concerned.
- 40 7. Identify and evaluate on a continuing basis
41 the land use policy issues in this state.
- 42 8. Evaluate the impact of current laws, ordinances,
43 policies, regulations, and taxes in this state upon
44 land use decisions.
- 45 9. Provide for the periodic monitoring of land
46 use data to determine changes in land usage, the
47 comparison of such changes to state and local land
48 use guidelines, plans, programs, and projections,
49 and the reporting of the findings to the affected
50 local governments, state agencies, and the federal

Page 8

- 1 government, upon request.
- 2 10. Provide information and educational programs
3 through existing educational institutions.
- 4 11. Recommend to the general assembly a definition
5 of "agricultural purposes" as used in section 358A.2.
- 6 Sec. 6. NEW SECTION. DUTIES OF THE COUNTY
7 COMMISSION. In addition to other duties provided
8 by law, a county commission shall:
- 9 1. Develop and review at least every three years
10 a land use policy based upon the state policy and
11 guidelines for the county and its cities.
- 12 2. Review, evaluate, and coordinate at least every
13 three years all comprehensive plans, ordinances, or
14 regulations for land use, existing or proposed by
15 the county, special districts, and cities within the
16 county for consistency with county and state land
17 use policy.
- 18 3. Adopt guidelines based on state guidelines
19 for the preparation or revision of comprehensive plans
20 for:
- 21 a. Protection of agricultural land.

22 b. Solid waste disposal and recycling, sewage
23 collection and treatment, and water supply and
24 distribution.

25 c. Siting and development of industrial,
26 commercial, agricultural, educational, cultural,
27 residential, and recreational facilities and areas.

28 d. Designation, development, or use of local
29 critical areas.

30 e. Coordinated countywide transportation system
31 which includes elements of a statewide transportation
32 plan.

33 4. Determine the regulations to apply to an area
34 subject to extraterritorial zoning when the city and
35 the county are unable to agree.

36 **Sec. 7. NEW SECTION. TEMPORARY EMERGENCY POWER**
37 **OF THE COUNTY COMMISSION.** When prior to the adoption
38 of comprehensive plans, ordinances, and regulations
39 as required by sections 1 through 9 of this Act, the
40 county commission determines that there is in progress
41 or proposed an activity that threatens the ability
42 to preserve local critical areas, to preserve
43 agricultural land, and to promote efficient urban
44 development patterns, the county commission shall
45 immediately take action by giving notice to the board
46 of supervisors or the city council of each city
47 involved of the pertinent facts and dangers with
48 respect to the threatening activity. If the county
49 board of supervisors or the city council does not
50 remedy the situation within sixty days, the county

Page 9

1 commission may, upon one week's written notice to
2 the affected city council or board of supervisors,
3 and the person involved in the activity, hold a public
4 hearing on the matter. If, after the hearing, the
5 county commission determines that the activity does
6 constitute a danger, the county commission may issue
7 a written cease and desist order to the person in
8 control of the activity. If the activity is continued,
9 the county attorney, at the request of the county
10 commission, shall initiate civil proceedings in the
11 name of the county to enjoin that person from the
12 activity. A legal action taken under this section
13 shall be given priority over all other matters pending
14 in the district court. The court may uphold, modify,
15 or overrule the order of the county commission.

16 **Sec. 8. NEW SECTION. PRESERVATION OF AGRICULTURAL**
17 **LAND.** Upon the adoption of the state land use policy
18 and guidelines and the adoption of the county land
19 use guidelines by the county commission, the county
20 and each city in the county shall:

21 1. Review soil surveys and land capability
22 information and identify the more productive and
23 suitable agricultural land in their jurisdiction.

24 2. Review the projected need for land for
25 nonagricultural uses in their jurisdiction.

26 3. Adopt ordinances pursuant to chapter 358A or
27 414 respectively which will direct the growth of
28 nonagricultural land uses to the less productive and
29 suitable agricultural land within their jurisdiction,
30 encourage the development of nonagricultural uses
31 within the boundaries of cities rather than in the
32 unincorporated areas of the county, encourage that
33 urban development be contiguous to existing urban
34 uses where necessary services can be provided or
35 extended, and provide an orderly transition from rural
36 to urban uses.

37 Ordinances adopted pursuant to this section may
38 establish zones for exclusive agricultural and
39 associated uses or minimum acreages for residential
40 dwellings or other means to effect the objectives
41 of this section.

42 **Sec. 9. NEW SECTION. CRITICAL AREAS, KEY**
43 **FACILITIES AND LARGE-SCALE DEVELOPMENTS.**

44 1. The state commission shall prepare and recommend
45 to the general assembly criteria for the designation
46 of critical areas by the state commission and
47 guidelines for the preservation and protection of
48 state and local critical areas including nominating
49 procedures, planning requirements, and preservation,
50 protection, and restoration techniques.

Page 10

1 2. The state commission shall prepare and recommend
2 to the general assembly criteria for the designation
3 of key facilities and large-scale developments and
4 a procedure for their regulation. The procedure
5 recommended shall include a determination of the need
6 for the project and environmental impact statement
7 regarding the effects upon agricultural and natural
8 land and shall emphasize consultation with local
9 agencies.

10 **Sec. 10. NEW SECTION. AGRICULTURAL DISTRICTS.**

11 1. A county may establish agricultural districts
12 by adopting ordinances under chapter 358A. The
13 ordinances must be consistent with the county land
14 use recommendations that have been adopted by the
15 county commission under section 6 of this Act.

16 2. To qualify as an agricultural district under
17 this chapter, the ordinances must limit the use of
18 the land in agricultural districts to farm operations
19 and meet the following minimum standards:

20 a. The only residences allowed as permitted uses
21 are those constructed for occupation by a person,
22 or a family having at least one member, whose primary
23 occupation consists of farm operations on the parcel
24 or is a parent or child of the operator of the farm.
25 Preexisting residences located in agricultural
26 districts which do not conform to this paragraph may
27 be continued in residential use.

28 b. For the purposes of farm consolidation and
29 if permitted by local regulation, farm residences
30 or structures which existed prior to the adoption
31 of the ordinance may be separated from a larger farm
32 parcel.

33 c. A structure or improvement shall not be built
34 on the land unless consistent with farm operations.

35 Sec. 11. NEW SECTION. CREATION OF AGRICULTURAL
36 AREAS. An owner of farmland may submit a proposal
37 to the county commission for the creation of an
38 agricultural area within the county. An agricultural
39 area, at its creation, shall include at least five
40 hundred acres of farmland, however, a smaller area
41 may be created if the farmland is adjacent to an agri-
42 cultural district. The proposal shall include a
43 description of the proposed area, including its
44 boundaries. The territory shall be as compact and
45 as nearly adjacent as feasible. An area created under
46 this chapter is initially established for a period
47 of ten years. Land shall not be included in an
48 agricultural area without the consent of the owner.
49 Agricultural areas shall not exist within the corporate
50 limits of a city. Agricultural areas may be created

Page 11

1 in a county which has adopted zoning ordinances.

2 Sec. 12. NEW SECTION. COUNTY AGRICULTURAL AREAS
3 COMMITTEE. Upon receipt of a petition for the creation
4 of an agricultural area within the county, the county
5 board shall establish a county agricultural areas
6 committee if such a committee has not already been
7 established for the county. The county committee
8 shall consist of four active farmers, three of whom
9 are actively engaged in both crop and livestock
10 farming, and a member of the county board. The
11 committee shall select one of its members to serve
12 as chairperson of the committee. Members of the com-
13 mittee are appointed by and serve at the pleasure
14 of the county board. The members shall serve without
15 compensation, but the board may authorize reimbursement
16 of each member's actual and necessary expenses incurred
17 in the performance of official duties. The committee

18 shall advise the commission in relation to the proposed
19 establishment, modification, and termination of
20 agricultural areas. The committee shall advise the
21 county commission relating to the desirability of
22 such action, the nature of farming and farm resources
23 within the proposed area, and the relation of farming
24 in the area to farming in the county.

25 Sec. 13. NEW SECTION. DUTIES OF COUNTY COMMISSION.

26 1. Upon the receipt of a proposal for an
27 agricultural area, the county commission shall provide
28 notice of the proposal by publishing a notice in a
29 newspaper having general circulation within the
30 proposed area or, if no such newspaper has a general
31 circulation within the proposed area then in a
32 newspaper having general circulation within the county
33 and by posting the notice in five conspicuous places
34 within the proposed area. A copy of the notice shall
35 be sent to the county or regional planning commission,
36 if any, for review or comment within thirty days.
37 The comment shall be made to the county commission.
38 The notice required to be published or posted under
39 this section shall contain the following information:

40 a. A statement that a proposal for an agricultural
41 area has been filed with the commission pursuant to
42 this chapter.

43 b. A statement that the proposal will be on file
44 open to public inspection at the county auditor's
45 office.

46 c. A statement that a landowner owning lands
47 adjacent to or partially encompassed by the proposed
48 area may propose a modification of the area to include
49 or exclude those lands, within thirty days of the
50 date of publication of notice. The proposal shall

Page 12

1 be made on forms prescribed by the county commission.

2 d. A statement that any proposed modification
3 must be filed with the county commission within thirty
4 days after the publication of the notice and will
5 be on file open to public inspection at the county
6 auditor's office.

7 e. A statement that at the termination of the
8 thirty-day period, the proposal and proposed
9 modifications will be submitted to the county committee
10 which will hold a public hearing on the proposal,
11 proposed modifications, and recommendations of the
12 county committee.

13 f. A statement of the time, date, and place of
14 the county committee's public hearing.

15 2. The county commission shall receive any
16 proposals for modifications of the proposal within
17 thirty days after the publication of the notice.

18 3. The county commission shall, upon the
19 termination of the thirty-day period, refer the
20 proposal and proposed modifications to the county
21 committee, which shall, within forty-five days, report
22 to the commission its recommendations concerning the
23 proposal and proposed modifications.

24 **Sec. 14. NEW SECTION. PUBLIC HEARING REQUIRED.**

25 The county committee shall hold a public hearing on
26 a proposal for the creation of an agricultural area.
27 The hearing shall be held at a place within the
28 proposed area or a place readily accessible to the
29 proposed area. The public hearing shall concern the
30 original proposal, any modifications proposed during
31 the thirty-day review period, and the recommendations
32 proposed by the county committee and any planning
33 commissions.

34 **Sec. 15. NEW SECTION. FACTORS FOR CONSIDERATION**
35 **IN FORMATION OF AGRICULTURAL AREAS.** The following
36 factors shall be considered by county commissions,
37 county committees, or planning commissions, with
38 respect to the formation of an agricultural area:

39 1. The existence of active farming within the
40 proposed area.

41 2. The presence of farmlands within the proposed
42 area that are not now in active farming.

43 3. The nature and extent of land uses other than
44 active farming within the proposed area.

45 4. County developmental patterns and needs.

46 5. Any other matter which is relevant.

47 **Sec. 16. NEW SECTION. NOTICE TO, AND OBJECTIONS**
48 **BY, CITIES.** If the proposed agricultural area in-
49 cludes real estate within a two-mile radius from the
50 corporate limits of a city, the county commission

Page 13

1 shall notify the city council of the affected city
2 of this proposed area. The council may object to
3 the proposal by proposing a modification as provided
4 in section 11 of this Act.

5 **Sec. 17. NEW SECTION. ADOPTION BY COUNTY**
6 **COMMISSION.** After receiving the reports of the county
7 committee and other comments, and after the public
8 hearing, the county commission shall adopt the proposal
9 or any modification of the proposal it deems
10 appropriate, unless to do so would be inconsistent
11 with the purposes of this chapter. The proposal as
12 adopted should include, to the extent feasible,

13 adjacent farmlands and exclude, to the extent feasible,
14 nonfarmland. The county commission shall act to adopt
15 or reject the proposal, or a modification of it not
16 later than forty-five days from the date the proposal
17 was returned by the county committee.

18 An agricultural area shall be subject to the same
19 use restrictions provided in section 10, subsection
20 2, of this Act for agricultural districts.

21 Sec. 18. NEW SECTION. REQUIREMENT THAT DESCRIPTION
22 OF AGRICULTURAL AREAS BE FILED WITH COUNTY AUDITOR
23 AND COUNTY RECORDER. Upon the creation of an
24 agricultural area, its description shall be filed
25 by the county commission with the county auditor and
26 placed on record in the office of the county recorder.

27 Sec. 19. NEW SECTION. PETITION FOR WITHDRAWAL.

28 After three years from the date of the creation of
29 an agricultural area, a person may submit a petition
30 to the county commission requesting the withdrawal
31 of land from the agricultural area located within
32 that county. The petition must contain:

33 1. A statement indicating the proposed alternative
34 use of the land.

35 2. An explanation of the necessity for changing
36 the current use.

37 3. An explanation why land outside the agricultural
38 area is not suitable for the proposed use.

39 Sec. 20. NEW SECTION. PROCEDURES FOR CONSIDERATION
40 OF PETITION FOR WITHDRAWAL.

41 1. Within five days after the receipt of a petition
42 for withdrawal of land from an agricultural area,
43 the county commission shall provide notice of the
44 petition by publishing and posting a notice as provided
45 in section 13 of this Act. Copies of the notice shall
46 also be given to owners of land in or immediately
47 adjacent to the agricultural area. The notice shall
48 contain the following information:

49 a. A statement that a petition for withdrawal
50 of land from an agricultural area has been filed with

Page 14

1 the county commission pursuant to this chapter.
2 b. A statement that the petition will be on file
3 open to public inspection at the county auditor's
4 office.

5 c. A brief, narrative description of the location
6 of the affected land.

7 d. A statement of the proposed nonagricultural
8 use of the land.

9 e. A statement that the petition will be referred
10 to the county committee and to the regional and county

11 planning commissions, if any, for review and comment.
12 f. A statement that a public hearing will be held
13 within sixty days on the petition and on the
14 recommendations of the county committee and of the
15 regional and county planning commissions, if any,
16 at a time and place stated in the notice.

17 2. Within five days after the receipt of a petition
18 for withdrawal of land from an agricultural area,
19 the county commission shall refer the petition to
20 the county committee, which shall, within thirty days
21 of its receipt of the petition, report to the county
22 commission its recommendations.

23 3. Within five days after the receipt of a petition
24 for withdrawal of land from an agricultural area,
25 the county commission shall refer the petition to
26 the regional and county planning commissions, if any,
27 which shall, within thirty days of their receipt of
28 the petition, report to the county commission their
29 recommendations concerning the potential effect of
30 the withdrawal of land from an agricultural area upon
31 the development patterns and needs of the county and
32 upon the county's planning objectives.

33 **Sec. 21. NEW SECTION. PROCEDURES FOR PUBLIC**
34 **HEARINGS ON PETITIONS FOR WITHDRAWAL.** The county
35 committee shall hold a public hearing within sixty
36 days of the receipt of a petition for withdrawal of
37 land from an agricultural area. The hearing shall
38 be held at a location readily accessible to the public
39 and proximate to the affected land and shall be
40 preceded by at least ten days notice published in
41 a newspaper of general circulation in the county.
42 The public hearing shall concern the petition and
43 the recommendations of the county committee and of
44 the regional and county planning commissions, if any.
45 The county committee may supplement or modify its
46 recommendations after the hearing.

47 **Sec. 22. NEW SECTION. WITHDRAWAL OF LAND FROM**
48 **AN AGRICULTURAL AREA.**

49 1. Within ninety days after the receipt of a
50 petition for withdrawal of land from an agricultural

Page 15

1 area, the county commission shall accept or reject
2 the petition in a written decision. The county
3 commission's decision shall take into account the
4 review and comment of the county committee and the
5 regional and county planning commissions, if any,
6 and the public hearings held concerning the petition.
7 2. The county commission shall consider the factors
8 included in section 15 of this Act in making its

9 decision. Analysis of the factors must be included
10 in the county commission's written decision.

11 3. A person affected by a decision of the county
12 commission on a petition for withdrawal of land from
13 an agricultural area may obtain judicial review by
14 filing a petition for review within thirty-five days
15 after the decision with the district court of the
16 county.

17 Sec. 23. NEW SECTION. REVIEW OF AGRICULTURAL
18 AREAS BY COUNTY COMMISSION. The county commission
19 shall review any agricultural area created under this
20 chapter ten years after the date of its creation and
21 every ten years thereafter. In conducting a review,
22 the county commission shall ask for the recommendations
23 of the county committee, and shall, at least one
24 hundred twenty days prior to that anniversary date,
25 require the county committee to hold a public hearing
26 at a place within the area or other readily accessible
27 place upon notice being given in a newspaper having
28 general circulation within the area or if there is
29 no such newspaper, then in a newspaper having general
30 circulation within the county, and individual notice
31 in writing to the persons owning land within the area,
32 and to any county or regional planning commission.
33 The county commission after receiving the reports
34 of the county committee and after the public hearing,
35 may terminate the area at the end of a ten-year period
36 by filing a notice of termination with the county
37 auditor, or the county commission may modify the area
38 in the same manner as provided in section 13 of this
39 Act. If the county commission does not act, the area
40 shall continue as originally constituted.

41 Sec. 24. NEW SECTION. PETITION FOR DISSOLUTION.
42 Ten years after the date of creation of an agricultural
43 area, owners of land within the area may petition
44 the county commission at any time to dissolve the
45 area. The petition must be submitted in writing to
46 the county commission. If the petition contains
47 signatures of at least two-thirds of the landowners,
48 the area shall be dissolved.

49 Sec. 25. NEW SECTION. LIMITATION ON POWER OF
50 CERTAIN PUBLIC AGENCIES TO IMPOSE PUBLIC BENEFIT

Page 16

1 ASSESSMENTS OR SPECIAL ASSESSMENTS. A political
2 subdivision or benefited district providing public
3 services such as sewer, water, or lights or for nonfarm
4 drainage shall not impose benefit assessments or
5 special assessments on land used for primarily
6 agricultural production within an agricultural area

7 or in an agricultural district on the basis of
8 frontage, acreage, or value, unless the benefit
9 assessments or special assessments were imposed prior
10 to the formation of the agricultural area or
11 agricultural district, or unless the service is
12 provided to the landowner on the same basis as others
13 having the service.

14 Sec. 26. NEW SECTION. INCENTIVES FOR AGRICULTURAL
15 LAND PRESERVATION.

16 1. NUISANCE RESTRICTION. A farm operation located
17 in an agricultural area or an agricultural district
18 shall not be found to be a nuisance regardless of
19 the established date of operation or expansion of
20 the agricultural activities of the farm operation.

21 This subsection does not apply if the nuisance results
22 from an activity which is in violation of an applicable
23 statute, rule, or ordinance. For a feedlot as defined
24 in chapter 172D, the applicability of rules and
25 ordinances subject to that chapter shall be as provided
26 in that chapter. This section does not apply to
27 actions or proceedings arising from injury or damage
28 to persons or property caused by the farm operation
29 before the creation of the agricultural area or
30 agricultural district. This subsection does not
31 affect or defeat the right of a person to recover
32 damages for an injury or damage sustained by the
33 person because of the pollution or change in condition
34 of the waters of a stream, the overflowing of the
35 person's land, or the excessive soil erosion onto
36 another person's land.

37 2. WATER PRIORITY. In the application for a
38 permit to divert, store, or withdraw water and in
39 the allocation of available water resources under
40 a water permit system, the Iowa natural resources
41 council shall give priority to the use of water
42 resources by farm operations, exclusive of irrigation,
43 located in an agricultural area or an agricultural
44 district.

45 3. CONDEMNATION LIMITATION. The power of eminent
46 domain shall not be exercised by the state, its
47 political subdivisions, a school corporation, a public
48 authority, a public district or any other public body
49 upon farmland in an agricultural area or an
50 agricultural district without the consent of the

Page 17

1 county board.

2 4. ANNEXATION. A city shall not annex land that
3 is in an agricultural district or an agricultural
4 area.

5 Sec. 27. NEW SECTION. LOCAL GOVERNMENT AUTHORITY.

6 A city, county, or other unit of local government
7 shall not exercise any of its powers to enact local
8 laws, ordinances, or any other rules and regulations
9 within an agricultural district or agricultural area
10 in a manner which would unreasonably restrict or
11 regulate farm structures or farm operations within
12 the district or area in contravention of the purposes
13 and policies of this chapter unless such governmental
14 action bears an immediate and compelling relationship
15 to the public health or safety.

16 Sec. 28. NEW SECTION. STATE REGULATIONS. A rule
17 adopted by a state agency after the effective date
18 of this Act which would restrict or regulate farm
19 structures or farm operations shall not become
20 effective as applied to farm structures or farm
21 operations within an agricultural district or
22 agricultural area unless prior to the adoption of
23 the rule the agency finds both of the following:

24 1. That the activity to be regulated within the
25 district or area has a substantial deleterious effect
26 outside of the district or area.

27 2. That the need for the application of the rule
28 within the district or area outweighs the policies
29 of this chapter, which include the encouragement of
30 exclusively agricultural activities within the district
31 or area at a level of intensity that would not be
32 tolerated outside the district or area.

33 In addition to the right of an interested person
34 granted in chapter 17A to request the agency to issue
35 a concise statement of the principal reasons for and
36 against the rule it adopted, a resident or owner of
37 land in an agricultural district or area may request
38 the agency to include in that concise statement the
39 findings required for application within an
40 agricultural district or area and the principal reasons
41 used by the agency in making the findings.

42 Sec. 29. Section 358A.1, Code 1981, is amended
43 by striking the section and inserting in lieu thereof
44 the following:

45 358A.1 COUNTY PLANNING AND ZONING COMMISSION.

46 Each county shall establish a planning and zoning
47 commission by January 1, 1983. The county planning
48 and zoning commission shall prepare a comprehensive
49 plan satisfying the guidelines established by the
50 state land preservation commission. Each county,

- 1 after consulting with the county land preservation
- 2 commission, shall adopt such a comprehensive plan

3 by January 1, 1987. Each county shall adopt zoning
4 ordinances by January 1, 1988. Zoning, subdivision,
5 or other regulations adopted pursuant to this chapter
6 or chapter 409 and any amendments or revisions shall
7 be designed to implement the comprehensive plan and
8 shall be consistent with the comprehensive plan.

9 Sec. 30. Section 358A.2, Code 1981 Supplement,
10 is amended to read as follows:

11 358A.2 FARMS EXEMPT. No ordinance adopted under
12 this chapter applies to land, farm houses, farm barns,
13 farm outbuildings or other buildings or structures
14 which are primarily adapted, by reason of nature and
15 area, for use for agricultural purposes, while so
16 used. However, the ordinances may apply to any struc-
17 ture, building, dam, obstruction, deposit or excavation
18 in or on the flood plains of any river or stream.

19 Ordinances may also apply in agricultural districts
20 and agricultural areas to the extent required to
21 implement sections 10 and 17 of this Act.

22 Sec. 31. Section 358A.3, Code 1981, is amended
23 to read as follows:

24 358A.3 POWERS. Subject to the provisions of
25 sections 358A.1 and section 358A.2, the board of
26 supervisors of any county is hereby empowered to may
27 regulate and restrict the height, number of structures,
28 and size of buildings and other structures, the
29 percentage of lot that may be occupied, the size of
30 yards, courts and other open spaces, the density of
31 population, and the location and use of buildings,
32 structures, and land for trade, industry, residence
33 or other purposes, and to may regulate, restrict and
34 prohibit the use for residential purposes of tents,
35 trailers and portable or potentially portable
36 structures; provided that such powers shall be
37 exercised only with reference to land and structures
38 located within the county but lying outside of the
39 corporate limits of any a city or the jurisdiction
40 exercised by a city under section 414.23. The board
41 of supervisors of any county may prescribe and charge
42 a reasonable building permit fee, and upon receipt
43 of an application containing all required information,
44 in due form and properly executed, showing that the
45 proposed structure will comply with all applicable
46 regulations of the political subdivision in which
47 it is to be located and upon payment of the required
48 permit fee, the board of supervisors shall, within
49 seven days, issue a permit to the applicant.

50 Sec. 32. Section 358A.5, unnumbered paragraph

Page 19

1 1, Code 1981 Supplement, is amended to read as follows:

2 Such The regulations shall be made in accordance
3 with a comprehensive plan and designed to preserve
4 the availability and productivity of agricultural
5 land; to discourage urban sprawl and encourage
6 efficient urban development patterns; to lessen
7 congestion in the street or highway; to secure safety
8 from fire, flood, panic, and other dangers; to protect
9 health and the general welfare; to provide adequate
10 light and air; to prevent the overcrowding of land;
11 to avoid undue concentration of population; to promote
12 the conservation of energy resources; to promote
13 reasonable access to solar energy; and to facilitate
14 the adequate provision of transportation, water,
15 sewerage, schools, parks and other public requirements.
16 However, provisions of this section relating to the
17 objectives of energy conservation and access to solar
18 energy shall not be construed as voiding any zoning
19 regulation existing on July 1, 1981, or to require
20 zoning in a county that did not have zoning prior
21 to July 1, 1981.

22 Sec. 33. Section 358A.7, Code 1981, is amended
23 to read as follows:

24 358A.7 CHANGES AND AMENDMENTS. Such The
25 regulations, restrictions, and boundaries may, from
26 time to time, be amended, supplemented, changed,
27 modified, or repealed. In case, however, of a protest
28 against such a change signed by the owners of twenty
29 percent or more either of the area included in such
30 the proposed change, or of the area immediately
31 adjacent thereto and within five hundred feet of the
32 boundaries thereof, such the amendment shall not
33 become effective except by the favorable vote of at
34 least sixty percent of all of the members of the board
35 of supervisors. The provisions of section 358A.6
36 relative to public hearings and official notice shall
37 apply equally to all changes or amendments. If the
38 amendment conflicts with the comprehensive plan, the
39 board of supervisors shall amend the plan prior to
40 amending the regulations, restrictions, or boundaries.

41 Sec. 34. Section 358A.8, Code 1981, is amended
42 to read as follows:

43 358A.8 COMMISSION APPOINTED. In order to avail
44 itself of the powers conferred by this chapter, the
45 board of supervisors shall appoint a commission, a
46 majority of whose members shall reside within the
47 county but outside the corporate limits of any city,
48 to be known as the county planning and zoning
49 commission, to recommend the boundaries of the various
50 original districts, and appropriate regulations and

Page 20

1 restrictions to be enforced therein. A majority of
2 the commission shall be persons representing the
3 public at large and shall not be involved in the
4 business of purchasing, developing, or selling real
5 estate. Such The commission shall, with due diligence,
6 prepare a preliminary report and hold public hearings
7 thereon before submitting its final report; and the
8 board of supervisors shall not hold its public hearings
9 or take action until it has received the final report
10 of such the commission. After the adoption of such
11 regulations, restrictions, and boundaries of districts,
12 the zoning commission may, from time to time, recommend
13 to the board of supervisors amendments, supplements,
14 changes or modifications. At least every three years
15 the commission shall review the regulations,
16 restrictions, and boundaries of districts. The zoning
17 commission, with the approval of the board of
18 supervisors, may contract with professional
19 consultants, regional planning commissions, the Iowa
20 development commission, or the federal government,
21 for local planning assistance.

22 A board of supervisors may designate the county
23 land preservation commission to perform the duties
24 of the planning and zoning commission in lieu of
25 appointing a county planning and zoning commission.
26 If a designation is made, the county land preservation
27 commission has all the powers and duties of a county
28 planning and zoning commission under this chapter.

29 Sec. 35. Section 358A.25, Code 1981, is amended
30 to read as follows:

31 358A.25 PLUMBING CODE ENFORCED. Subject to the
32 provisions of sections 358A.1 and section 358A.2,
33 the board of supervisors of any county is further
34 authorized to may adopt regulations to provide that
35 every dwelling, whether now or hereafter erected
36 within the county but outside the corporate limits
37 of any city which ~~shall develop~~ develops a private
38 water supply or ~~install~~ installs a pressure water
39 system or ~~install~~ sanitary house drains, shall comply
40 with the recommendations of the state department of
41 health on minimum requirements as set out in the state
42 plumbing code in regard to ~~such that~~ development or
43 installation. Any such regulation may be enforced
44 in the same manner as any other regulation adopted
45 under this chapter.

46 Sec. 36. Section 368.11, unnumbered paragraph
47 3, Code 1981, is amended to read as follows:

48 The petition must include substantially the
49 following information as applicable:

50 1. A general statement of the proposal.

Page 21

- 1 2. A map of the territory, city or cities involved.
- 2 3. Assessed valuation of platted and unplatted
- 3 land.
- 4 4. Names of property owners.
- 5 5. Population density.
- 6 6. Description of topography.
- 7 7. Plans for disposal of assets and assumption
- 8 of liabilities.

- 9 8. Description of existing municipal services,
- 10 including but not limited to water supply, sewage
- 11 disposal, and fire and police protection.

- 12 9. Plans for agreements with any existing special
- 13 service districts.

- 14 10. In a case of annexation or incorporation,
- 15 the petition must state that none of the territory
- 16 is within a city, the amount and classification of
- 17 any agricultural land proposed to be annexed, the
- 18 need for the annexation of the area, and an evaluation
- 19 of alternative areas for annexation.

- 20 11. In a case of incorporation or consolidation,
- 21 the petition must state the name of the proposed city.

- 22 12. Plans shall include a formal agreement between
- 23 affected municipal corporations and counties for the
- 24 maintenance, improvement and traffic control of any
- 25 shared roads involved in an incorporation or boundary
- 26 adjustment.

27 Sec. 37. Section 414.1, Code 1981, is amended
28 to read as follows:

29 414.1 BUILDING RESTRICTIONS—POWERS GRANTED.

- 30 1. For the purpose of promoting the health, safety,
- 31 morals, or the general welfare of the community or
- 32 for the purpose of preserving historically significant
- 33 areas of the community, any city is hereby empowered
- 34 to each city, except as provided in subsection 3,
- 35 shall establish a planning and zoning commission and
- 36 regulate and restrict the height, number of stories,
- 37 and size of buildings and other structures, the
- 38 percentage of lot that may be occupied, the size of
- 39 yards, courts, and other open spaces, the density
- 40 of population, and the location and use of buildings,
- 41 structures, and land for trade, industry, residence,
- 42 or other purposes.

- 43 2. Each city shall establish a city planning and
- 44 zoning commission by January 1, 1983, which shall
- 45 prepare a comprehensive plan satisfying the guidelines
- 46 established by the state land preservation commission.
- 47 Each city shall adopt such a comprehensive plan by
- 48 January 1, 1987. Each city, after consultation with
- 49 the county land preservation commission, shall adopt
- 50 zoning ordinances by January 1, 1988. Zoning,

Page 22

1 subdivision, or other regulations adopted pursuant
2 to this chapter or chapter 409 and any amendments
3 or revisions shall be designed to implement the
4 comprehensive plan and shall be consistent with the
5 comprehensive plan. If notice is given to the county
6 before January 1, 1985, a city may elect to be included
7 in the comprehensive plan of the county and adopt
8 the applicable part of that plan for its use.

9 3. A city may elect not to have a planning and
10 zoning commission, prepare a comprehensive plan, and
11 adopt ordinances under this chapter. If the election
12 is made by the city, the limitation of section 358A.3
13 shall not apply and the county shall have zoning
14 jurisdiction as provided in chapter 358A within the
15 limits of the city. Property owners affected by the
16 county zoning regulations in the city have the same
17 rights of hearing, protest, and appeal as those within
18 the unincorporated area of the county. A city which
19 has made this election may reverse that decision by
20 establishing a planning and zoning commission and
21 adopting ordinances under this chapter after giving
22 notice to the county board of supervisors. Upon the
23 ordinances becoming effective, the county shall cease
24 to have jurisdiction in the city. After notice has
25 been given to the board of supervisors and until the
26 ordinances become effective the county shall not
27 change the ordinances effective in that city without
28 the city's approval.

29 Sec. 38. Section 414.3, unnumbered paragraph 1,
30 Code 1981, as amended by Acts of the Sixty-ninth
31 General Assembly, 1981 Session, chapter 125, section
32 2, is amended to read as follows:

33 Such The regulations shall be made in accordance
34 with a comprehensive plan and designed to preserve
35 the availability and productivity of agricultural
36 land; to discourage urban sprawl and encourage
37 efficient urban development patterns; to lessen
38 congestion in the street; to secure safety from fire,
39 flood, panic, and other dangers; to promote health
40 and the general welfare; to provide adequate light
41 and air; to prevent the overcrowding of land; to avoid
42 undue concentration of population; to promote the
43 conservation of energy resources; to promote reasonable
44 access to solar energy; and to facilitate the adequate
45 provision of transportation, water, sewerage, schools,
46 parks, and other public requirements. However, provi-
47 sions of this section relating to the objectives of
48 energy conservation and access to solar energy shall
49 do not be construed as voiding void any zoning
50 regulation existing on the effective date of this

Page 23

1 Act July 1, 1981, or to require zoning in a city that
2 did not have zoning prior to the effective date of
3 this Act July 1, 1981.

4 Sec. 39. Section 414.5, Code 1981, is amended
5 to read as follows:

6 414.5 CHANGES--HEARING--NOTICE. Such The
7 regulations, restrictions, and boundaries may, from
8 time to time, be amended, supplemented, changed,
9 modified, or repealed. In case, however, of a protest
10 against such a change signed by the owners of twenty
11 percent or more either of the area of the lots included
12 in such the proposed change, or of those immediately
13 adjacent in the rear thereof extending the depth of
14 one lot or not to exceed two hundred feet therefrom,
15 or of those directly opposite thereto, extending the
16 depth of one lot or not to exceed two hundred feet
17 from the street frontage of such the opposite lots,
18 such an amendment shall not become effective except
19 by the favorable vote of at least three-fourths of
20 all the members of the council. The provisions of
21 section 414.4 relative to public hearings and official
22 notice shall apply equally to all changes or
23 amendments. If the amendment conflicts with the
24 comprehensive plan, the council shall amend the plan
25 before amending the regulations, restrictions, or
26 boundaries.

27 Sec. 40. Section 414.6, Code 1981, is amended
28 to read as follows:

29 414.6 PLANNING AND ZONING COMMISSION. In order
30 to avail itself of the powers conferred by this
31 chapter, the council shall appoint a commission, to
32 be known as the planning and zoning commission, to
33 recommend the boundaries of the various original
34 districts, and appropriate regulations and restrictions
35 to be enforced therein. Where a city plan commission
36 already exists, it may be appointed as the zoning
37 commission. A majority of the commission shall be
38 persons representing the public at large and shall
39 not be involved in the business of purchasing,
40 developing, or selling real estate. Such The
41 commission shall, with due diligence, prepare a
42 preliminary report and hold public hearings thereon
43 before submitting its final report; and such the
44 council shall not hold its public hearings or take
45 action until it has received the final report of such
46 the commission. After the adoption of such
47 regulations, restrictions, and boundaries of districts,
48 the zoning commission may, from time to time, recommend
49 to the council amendments, supplements, changes, or
50 modifications. At least every three years the

Page 24

1 commission shall review the regulations, restrictions,
2 and boundaries of districts.

3 Sec. 41. Section 414.23, Code 1981, is amended
4 by striking the section and inserting in lieu thereof
5 the following:

6 414.23 EXTENDING BEYOND CITY LIMITS. The powers
7 granted by this chapter may be extended by ordinance
8 by any city to the unincorporated area two miles
9 beyond the limits of the city. The ordinance shall
10 describe in general terms the area to be included.
11 The exemption from regulation granted by section
12 358A.2 to property used for agricultural purposes
13 applies to the unincorporated area. If the limits
14 of the city are at any place less than four miles
15 distant from the limits of any other city which extends
16 its zoning jurisdiction under this section, the powers
17 granted in this section shall extend to a line
18 equidistant between the limits of the cities.

19 Ordinances or amendments adopted by a city under
20 this chapter shall not become effective for the
21 unincorporated area until approved by the county board
22 of supervisors. If the city and the county board
23 of supervisors are unable to agree on the zoning
24 regulations for the unincorporated area within sixty
25 days after presentation to the county board of
26 supervisors, the parties shall submit the matter
27 to the county land preservation commission which shall
28 determine the regulation for the area.

29 Property owners affected by such zoning regulations
30 have the same rights of hearing, protest, and appeal
31 as those within the municipality exercising this
32 power.

33 Sec. 42. Chapter 472, Code 1981, is amended by
34 adding the following new section:

35 NEW SECTION. Prior to instituting proceedings
36 for condemnation the applicant shall submit a copy
37 of the application to the county or city planning
38 and zoning commission having jurisdiction over the
39 property sought to be condemned.

40 Sec. 43. INITIAL TERMS. The initial terms of
41 the members of the county commission shall be terms
42 of one, two, and three years. At the first meeting
43 of the county commission the members appointed by
44 the board of supervisors, the members appointed by
45 the district soil conservation commissioners, and
46 the members appointed by the mayors and councilpersons
47 shall separately determine among themselves by lot
48 which of the members shall have an initial term of
49 one, two, or three years. If one city has appointed
50 three members, those members shall separately determine

Page 25

1 by lot which of those members shall have an initial
2 term of one, two, or three years. The county com-
3 missions shall be established by and the terms of
4 their members shall commence on January 1, 1983.
5 Prior to April 1, 1983, the department of soil
6 conservation shall hold the congressional district
7 conventions. Of the initial terms of office of the
8 members of the state commissioner, one member from
9 each congressional district convention shall have
10 a term of two years and two members shall have terms
11 of four years. The member who shall have a two-year
12 initial term shall be determined by lot among the
13 three members at the congressional district convention.
14 The terms of the members of the state commission shall
15 commence on April 1, 1983.
16 Sec. 44. Chapter 93A, Code 1981, is repealed."
17 2. Title page, by striking the title and inserting
18 in lieu thereof the following: "An Act to establish
19 a land preservation policy and organizations,
20 procedures and incentives to implement that policy."

STUELAND of Clinton
LLOYD-JONES of Johnson
BRANSTAD of Winnebago

COCHRAN of Webster
DIEMER of Black Hawk
HALL of Linn
ROSENBERG of Story
DIELEMAN of Marion

H-5690

1 Amend amendment H-5370, to Senate File 393, as
2 follows:
3 1. Page 1, by inserting after line 4, the
4 following:
5 "Sec. . Section 321.207, Code 1981, is
6 amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. If the operator's or
9 chauffeur's license of a person is suspended under
10 this section, the person may volunteer to gather
11 discarded beverage containers along the rights of
12 way of public streets and highways. Each beverage
13 container gathered from the public streets and
14 highways and redeemed by a dealer or person
15 operating a redemption center shall reduce the time
16 of license suspension by one hour. Evidence of
17 compliance with this paragraph shall be by receipt
18 of a dealer or person operating a redemption center
19 under section 455C.2, subsection 3."
20 2. Page 1, by inserting after line 35, the
21 following:

22 "Sec. . Section 455C.2, Code 1981, is.
 23 amended by adding the following new subsection:
 24 NEW SUBSECTION. On request of a consumer, a
 25 dealer or person operating a redemption center shall
 26 provide the consumer with a receipt for the acceptance
 27 of empty beverage containers, for use by the consumer
 28 under section 321.207, unnumbered paragraph 2."

LIND of Black Hawk

H-5698

1 Amend Senate File 2218 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 1 the following:
 4 "5. A county which has county zoning on the
 5 effective date of this Act may petition the state
 6 council for exemption from the requirements of sections
 7 5 through 7 of this Act under the procedures of this
 8 subsection. By October 1, 1982 the county board of
 9 supervisors shall submit its comprehensive plan and
 10 ordinances to the state council. By April 1, 1983
 11 the state council shall determine whether the plan
 12 and ordinances will achieve the purposes of this Act
 13 as effectively as compliance with sections 5 through
 14 7 of this Act and grant or deny the exemption. A
 15 county is exempt from the requirement of establishing
 16 a county commission while the petition is pending.
 17 A county granted the exemption shall annually submit
 18 a report to the state council of the land use and
 19 zoning ordinance changes during the year."

SMITH of Scott
 OXLEY of Linn
 HUMMEL of Benton
 STUELAND of Clinton
 CHIODO of Polk
 CLEMENTS of Scott
 KREWSON of Polk

SCHNEKLOTH of Scott
 ARNOULD of Scott
 JOHNSON of Linn
 HALL of Linn
 JOHNSON of Woodbury
 FEY of Scott
 TRUCANO of Polk
 CONLON of Muscatine
 DIEMER of Black Hawk

H-5700

1 Amend Senate File 2277, as follows:
 2 1. Page 1, by inserting after line 10 the
 3 following:
 4 "Sec. . Section 321.207, Code 1981, is
 5 amended by adding the following new unnumbered
 6 paragraph:

- 7 NEW UNNUMBERED PARAGRAPH. This section does not
8 apply to a violation of any county ordinance, rule
9 or regulation occurring by reason of the operation of
10 a motor vehicle on a secondary road."

LIND of Black Hawk

H-5701

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. By striking page 144, line 29, through page 145,
4 line 4.

POFFENBERGER of Dallas

H-5703

- 1 Amend Senate File 2233 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 53, line 7, by striking the word "Polk,".
4 2. Page 53, by inserting after line 10 the
5 following:
6 "j. Election district 5C consists of Polk County."
7 3. Page 53, lines 11, 13, 15 and 18, by relettering
8 paragraphs.
9 4. Page 124, by inserting after line 32 the
10 following:
11 "The supreme court may require the appointment
12 of a public defender to serve in one or more counties,
13 as provided in section 10092 of this Act, if upon
14 conferring with the board of supervisors of each
15 county that is affected and upon considering relevant
16 factors the supreme court determines that the
17 establishment of a public defender office would result
18 in significant cost efficiencies or improvements in
19 the delivery of services."
20 5. Page 129, by striking lines 30 and 31 and
21 inserting in lieu thereof the words "1981 Session,
22 chapter 117, section 776, subsections 1 and 4, are
23 amended to read as follows:
24 1. The board, by resolution, may establish or
25 abolish the office of public defender. The board
26 of a county shall establish the office of public
27 defender when required by the supreme court under
28 section 10076 of this Act. Two or more counties
29 within the same judicial district, by agreement
30 executed under chapter 28E, may establish an office
31 of public defender to serve the counties."
32 6. Page 144, by inserting after line 28 the
33 following:

34 "Sec. . The membership of district judicial
35 nominating commissions for judicial election districts
36 5A and 5C shall be as provided in chapter 46, subject
37 to the following transition provisions:

38 1. Those judicial nominating commissioners of
39 judicial election district 5A who are residents of
40 Polk county shall be disqualified from serving in
41 election district 5A on the effective date of this
42 Act, and their offices shall be deemed vacant. The
43 vacancies thus created shall be filled as provided
44 in section 46.5 and for the remainder of the unexpired
45 terms.

46 2. After the effective date of this Act the
47 governor shall appoint five eligible electors of
48 judicial election district 5C to the district judicial
49 nominating commission for terms commencing immediately.
50 Two of the appointees shall serve terms ending January

Page 2

1 31, 1986, two of the appointees shall serve terms
2 ending January 31, 1988, and the remaining appointee
3 shall serve a term ending January 31, 1990, as
4 determined by the governor. At the end of these terms
5 and each six years thereafter the governor shall
6 appoint commissioners pursuant to section 46.3.

7 3. After the effective date of this Act elective
8 judicial nominating commissioners for judicial election
9 district 5C shall be elected as provided in chapter
10 46 to terms of office commencing immediately. Two
11 of those elected shall serve terms ending January
12 31, 1986, two shall serve terms ending January 31,
13 1988, and the remaining number shall serve a term
14 ending January 1, 1990, as determined by the drawing
15 of lots by the persons elected. At the end of these
16 terms and every six years thereafter elective
17 commissioners shall be elected pursuant to chapter
18 46.

19 Sec. . As soon as practicable after the
20 effective date of this Act, the state court
21 administrator shall recompute the number of judgeships
22 to which each of the judicial election districts as
23 redefined in section 602.7109, subsection 2, paragraphs
24 h and j of this Act is entitled, as provided in section
25 602.7201, subsection 3 of this Act. The administrator
26 shall submit the results of this recomputation to
27 the supreme court. The supreme court shall reassign
28 judges between judicial districts as necessary to
29 maintain continuity of judicial business within
30 judicial election districts 5A and 5C. Commencing
31 on the effective date of this Act, vacancies within

32 the judicial election districts as redefined in section
33 602.7109, subsection 2, paragraphs h and j of this
34 Act shall be determined and filled according to the
35 provisions of and subject to the conditions contained
36 in section 602.7201 of this Act.

37 For purposes of the recomputations required by
38 this section, the supreme court administrator shall
39 determine the average case filings for the latest
40 available three-year period by reallocating the actual
41 case filings during that three-year period to the
42 judicial election districts as they would have existed
43 during the three-year period if section 602.7109,
44 subsection 2, paragraphs h and j of this Act had been
45 in continuous effect throughout the three-year period."

46 7. By renumbering sections and correcting
47 references as necessary.

POFFENBERGER of Dallas
GROSS of Ringgold
JOHNSON of Howard
CONLON of Muscatine
DODERER of Johnson
RAPP of Black Hawk

H-5704

1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 7, by striking lines 2 through 6 and
4 inserting in lieu thereof the following: "use plan,
5 or inform the county board and the state council that
6 under existing circumstances the county commission
7 finds no need for a land use plan.

8 In determining the need for a county land use plan,
9 the county commission shall consider and make a finding
10 on each of the following issues and transmit their
11 findings on these issues to the county board and the
12 state council with their recommendation on a county
13 land use plan:

14 a. The preservation of prime agricultural lands
15 for agricultural production.

16 b. Methods of preserving and providing for
17 recreational areas, forests, wetlands, streams, lakes
18 and aquifers.

19 c. Provisions for housing, commercial, industrial,
20 transportation and recreational needs.

21 d. Methods of implementing the plan, if adopted,
22 including a formal countywide system to allow variances
23 from the county plan that incorporates the examination
24 of alternative land uses and a public hearing on such
25 alternatives.

26 e. The voluntary formation of agricultural areas
27 by owners of farmland.

28 If a plan is developed, the commission shall send
29 a copy of the plan to the state council.

30 Upon receipt of a plan, the county board".

31 2. Page 12, by striking lines 3 through 25 and
32 inserting in lieu thereof the following:

33 "Sec. 17. NEW SECTION. STATE REGULATIONS. An
34 owner of farmland in an agricultural district or area
35 may at any time request a concise statement from an
36 agency of the state regarding the principal reasons
37 for and against a rule it adopted regarding farm
38 operations or the use of land within an agricultural
39 district or area."

SMALLEY of Polk
BENNETT of Ida

H—5707

1 Amend amendment H—5370 to Senate File 393, as
2 follows:

3 1. Page 2, by striking lines 4 through 6 and
4 inserting in lieu thereof the following: "distributor".

5 2. Page 2, by striking lines 10 through 18.

POFFENBERGER of Dallas
HOWELL of Floyd
MULLINS of Kossuth
PELTON of Clinton
RITSEMA of Sioux

H—5708

1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 14, by inserting after line 19 the
4 following:

5 "Sec. 22. The state shall reimburse the counties
6 for the reasonable cost of preparing county land use
7 inventories under section 6 of this Act. The county
8 commission shall submit an itemized statement to the
9 state council of its costs in preparing the inventory
10 by September 1, 1983. The state council shall approve
11 an amount for reimbursement that it deems reasonable
12 and certify that amount to the state comptroller for
13 the issuance of the warrant to that county. An amount
14 sufficient to pay the warrants authorized under this
15 section is appropriated from funds not otherwise
16 appropriated in the general fund of the state."

- 17 2. Amend the title, line 2, by inserting after
18 the word "organizations," the words "making an
19 appropriation for reimbursement of the cost of
20 preparing inventories,".
21 3. By renumbering the sections to conform with
22 this amendment.

DAVITT of Warren
LLOYD-JONES of Johnson
DIELEMAN of Marion
AVENSON of Fayette
JAY of Appanoose
COCHRAN of Webster

H-5713

- 1 Amend amendment H-5667 to Senate File 2218 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 2, by striking lines 32 and 33.

JOHNSON of Linn
SCHROEDER of Pottawattamie

H-5714

- 1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 1 the following:
4 "Sec. 4. NEW SECTION. EXEMPTION. Any city having
5 a population of seventy-five thousand or more shall
6 be exempt from all the provisions of this chapter."
7 2. Page 3, line 12, by striking the words "city
8 of ten" and inserting in lieu thereof the words "city
9 of one hundred".
10 3. Page 3, line 23, by striking the words "state
11 employees" and inserting in lieu thereof the words
12 "state or municipal employees".
13 4. Page 3, line 27, by inserting after the word
14 "state" the words "or municipal".
15 5. Page 4, line 13, by striking the word "may"
16 and inserting in lieu thereof the word "shall".
17 6. Page 5, by striking lines 30 through 32.
18 7. Page 8, by inserting after line 26 the
19 following:
20 "f. Publicly-owned parks."
21 8. Page 11, by striking lines 8 through 11 and
22 inserting in lieu thereof the words "district on the
23 basis of frontage, acreage or value unless the service
24 is provided to the landowner".

JOHNSON of Linn
SCHROEDER of Pottawattamie

H—5715

1 Amend amendment H—5688 to Senate File 2218, as
2 amended, passed, and reprinted by the senate, as
3 follows:

4 1. Page 9, line 32, by inserting after the word
5 "county," the words "eliminate requirements that
6 development within city limits use more land than is
7 absolutely necessary for the protection of the public,".

8 2. Page 16, line 18, by inserting after the words
9 "a nuisance" the words "to property within an
10 agricultural district or area, or to persons located
11 on that property,".

12 3. Page 16, line 23, by striking the words "or
13 ordinance" and by inserting in lieu thereof the words
14 "ordinance, or common law duty".

15 4. Page 16, by striking lines 45 through 50.

16 5. Page 17, by striking line 1.

17 6. Page 17, line 16, by striking the words "A
18 rule".

19 7. Page 17, by striking lines 17 through 32.

CONLON of Muscatine

H—5716

1 Amend Senate File 2218, as amended, passed, and
2 reprinted by the senate, as follows:

3 1. Page 11, line 17, by inserting after the
4 word "nuisance" the words "to property located within
5 an agricultural district, or to persons on such
6 property,".

CONLON of Muscatine

H—5717

1 Amend Senate File 2218, as amended, passed, and
2 reprinted by the senate, as follows:

3 1. Page 11, line 20, by inserting after the word
4 "negligent" the words ", reckless or intentionally
5 wrongful".

CONLON of Muscatine

H—5718

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 18, by striking the words
4 "available or" and inserting in lieu thereof the word
5 "available."

6 2. Page 1, by inserting after line 18 the
7 following: "A variance shall not be granted for the
8 proposed new industrial anaerobic lagoon under this
9 paragraph until the owner or applicant furnishes the
10 commission with maps showing the exact location of
11 the proposed lagoon and certifies in writing that
12 the lagoon will be constructed if the variance
13 requested is granted."

SCHNEKLOTH of Scott
CRABB of Crawford
McKEAN of Jones
PELTON of Clinton
CLARK of Lee
STUELAND of Clinton

H-5719

1 Amend Senate File 2259, as follows:
2 1. Page 1, by striking lines 8 through 10.

CHIODO of Polk

H-5720

1 Amend the Committee on Ways and Means amendment,
2 H-5537 to Senate File 2091 as amended, passed, and
3 reprinted by the Senate, as follows:

4 1. Page 1, by inserting after line 4 the following:

5 "Sec. . Chapter 214A, Code 1981, is amended
6 by adding the following new section:

7 NEW SECTION. Any retail dealer who sells or holds
8 for sale motor vehicle fuel containing ethanol shall
9 conspicuously post upon any container or pump from
10 which the motor fuel is being sold, a notice, in
11 letters at least one-half inch high, showing the
12 percentage of ethanol contained in the motor fuel."

13 2. Page 1, by inserting after line 4 the following:

14 "Sec. . Chapter 214A, Code 1981, is amended
15 by adding the following new section:

16 NEW SECTION. HEATING PROHIBITED. It is a simple
17 misdemeanor for a wholesale or retail dealer to
18 deliberately heat motor fuel or special fuel subject
19 to taxation under chapter 324 prior to consumer sale."

20 3. By renumbering sections as necessary.

SCHROEDER of Pottawattamie

H-5721

- 1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 12, by striking lines 3 through 25 and
4 inserting in lieu thereof the following:
5 "Sec. 17. NEW SECTION. STATE REGULATIONS. A
6 rule adopted by a state agency after the effective
7 date of this Act which would restrict or regulate
8 farm structures or farm operations may contain less
9 restrictive standards for farm structures or farm
10 operations inside an agricultural district or agri-
11 cultural area than for farm structures or farm opera-
12 tions outside such district or area. A rule contain-
13 ing such a discrimination shall not for this reason
14 be found or held to be unreasonable, arbitrary,
15 capricious, beyond the authority delegated to the
16 agency, or characterized by an abuse of discretion or
17 clearly unwarranted exercise of discretion."

BENNETT of Ida

H-5723

- 1 Amend amendment H-5687 to Senate File 268, as
2 follows:
3 1. Page 9, line 12, by striking the words "as
4 rules of sentencing".
5 2. Page 9, by striking lines 15 through 26 and
6 inserting in lieu thereof the following: "The
7 sentencing guidelines promulgated by the commission
8 shall be submitted to the general assembly together
9 with any recommended code changes to implement the
10 guidelines. The general assembly may enact the changes
11 and guidelines by statute. The proposed guidelines
12 shall be advisory to the district court".
13 3. Page 9, line 39, by striking the word "rules"
14 and inserting in lieu thereof the word "guidelines".
15 4. Page 9, line 44, by striking the word "rules"
16 and inserting in lieu thereof the words "sentencing
17 guidelines".
18 5. By striking page 9, line 49 through page 10,
19 line 2, and inserting in lieu thereof the following:
20 "3. The commission may recommend the continuance,
21 rejection, or modification of all or part of the Iowa
22 classified sentencing act as part of its
23 recommendations to the general assembly."
24 6. Page 10, line 4, by striking the word "rules"
25 and inserting in lieu thereof the word "guidelines".
26 7. Page 10, line 9, by striking the word "rules"
27 and inserting in lieu thereof the word "guidelines".

28 8. Page 10, by striking lines 16 through 20 and
29 inserting in lieu thereof the following: "procedures,
30 sentencing guidelines, and other aspects of
31 sentencing."

32 9. Page 13, by striking lines 37 and 38 and
33 inserting in lieu thereof the following: "permissible
34 limits of the sentencing guidelines established
35 pursuant to section 17 of this Act."

36 10. Page 13, by striking lines 43 and 44 and
37 inserting in lieu thereof the following: "beyond
38 the permissible limits of the sentencing guidelines
39 established pursuant to section 17 of this".

40 11. Page 14, lines 14 and 15, by striking the
41 words "rules of sentencing" and inserting in lieu
42 thereof the words "sentencing guidelines".

43 12. Page 14, by striking line 23 and inserting
44 in lieu thereof the following: "with the sentencing
45 guidelines established pursuant".

46 13. Page 15, lines 12 and 13, by striking the
47 words "rules of sentencing" and inserting in lieu
48 thereof the following: "operation of section 17 of
49 this Act".

50 14. Page 15, by striking line 18 and inserting

Page 2

- 1 in lieu thereof the following: "applicable sentencing
2 guidelines in imposing the".

SPEAR of Lee

H-5725

- 1 Amend the amendment H-5657 to Senate File 276 as
2 passed by the Senate, as follows:

- 3 1. Page 2, by inserting after line 16 the
4 following:

- 5 "Sec. . Chapter 46, Code 1981, is amended by
6 adding the following new section:

- 7 **NEW SECTION. APPOINTED MEMBERS TO STATE JUDICIAL**
8 **NOMINATING COMMISSION.** In addition to the members
9 of the state judicial nominating commission, there
10 shall be two persons appointed by the governor, who
11 shall possess the same powers as the elected members
12 and who shall not be members of the legal profession."

SCHROEDER of Pottawattamie

H-5728

- 1 Amend Senate File 2218 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 12, by inserting after the word
- 4 "city" the words "and if an area or a part of an area
- 5 is annexed, that area is dissolved or the part
- 6 withdrawn from the area".

JOHNSON of Linn

H-5729

- 1 Amend Senate File 2218, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by striking lines 14 and 15 and
- 4 inserting in lieu thereof the following: "PRESERVATION.
- 5 A farm operation located in".
- 6 2. By striking page 11, line 30, through page
- 7 12, line 2.
- 8 3. Page 13, lines 7 and 8, by striking the words
- 9 "discourage urban sprawl and".
- 10 4. Page 13, lines 27 and 28, by striking the
- 11 words "discourage urban sprawl and".

JOHNSON of Linn

H-5730

- 1 Amend Senate File 2233 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 97, by striking lines 11 and 12 and
- 4 inserting in lieu thereof the words "bail received
- 5 from a magistrate to the treasurer of the county for
- 6 the benefit of the school fund. On the first Monday
- 7 in January of each year, the clerk shall make a written
- 8 report to the boards of supervisors of the respective
- 9 counties showing those fines, penalties, and
- 10 forfeitures collected in the district court during
- 11 the previous year which are payable into the county
- 12 treasury for the benefit of the school fund under
- 13 this section,"
- 14 2. By striking page 97, line 22 through page 98,
- 15 line 6.

JAY of Appanoose
HORN of Linn
GROTH of Buena Vista
GETTINGS of Wapello

JOHNSON of Woodbury
MENKE of O'Brien
SWEARINGEN of Keokuk
NORLAND of Worth
DAGGETT of Taylor

H-5732

- 1 Amend Senate File 2218 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the figure "20"
- 4 and inserting in lieu thereof the figure "17".

BENNETT of Ida

H-5733

- 1 Amend Senate File 2218 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by striking lines 8 through 11 and
- 4 inserting in lieu thereof the following: "or may
- 5 reject or adopt the plan."
- 6 2. Page 7, by striking line 17 through page 8,
- 7 line 3, and inserting in lieu thereof the following:
- 8 "8. If the plan is approved by the county board,
- 9 a copy shall be provided to the state council and
- 10 it shall be the land use policy of the county and
- 11 shall be administered and enforced by the county.
- 12 The county commission shall review the county plan
- 13 periodically for the purpose of proposing amendments
- 14 to it the commission deems appropriate. If the
- 15 commission proposes amendments to the plan, it shall
- 16 forward the proposal to the county board which may
- 17 rerefer the amendments to the commission for
- 18 modification or reject or adopt the amendments."

HANSON of Delaware
DODERER of Johnson
LLOYD-JONES of Johnson
HALL of Linn
NORLAND of Worth
HUMMEL of Benton
EGENES of Story

MULLINS of Kossuth
McKEAN of Jones
KREWSON of Polk
SMALLEY of Polk
CLARK of Cerro Gordo
ROSENBERG of Story
POFFENBERGER of Dallas
PELTON of Clinton

H-5741

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 11, line 13, by striking the word
- 4 "shall" and inserting in lieu thereof the word "may".

SPEAR of Lee

H-5742

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 10, line 5, by striking the word "the"
- 4 and inserting in lieu thereof the word "a".

SPEAR of Lee

H-5743

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 10, line 3, by striking the word "these"
- 4 and inserting in lieu thereof the word "necessary".
- 5 2. Page 10, line 9, by striking the word "these"
- 6 and inserting in lieu thereof the word "necessary".

SPEAR of Lee

H-5744

- 1 Amend amendment H-5600 to Senate File 2234 as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 4 the following:
- 5 "2. Page 1, lines 17 through 21, by striking the
- 6 words "In determining appropriate compensation the
- 7 council shall consider the age and condition of the
- 8 affected well and pumping system and its reasonableness
- 9 as a method of obtaining groundwater in light of the
- 10 history of development of groundwater in the
- 11 surrounding area."
- 12 3. Page 1, line 21, by striking the word "When".
- 13 4. Page 1, by striking lines 22 through 26.
- 14 5. Page 1, by inserting after line 26 the
- 15 following:
- 16 "Sec. 2. NEW SECTION. A state agency shall not
- 17 implement rules which will cause interference with
- 18 the placement of a pit over the top of a well."
- 19 6. Page 1, by inserting after line 26 the
- 20 following:
- 21 "Sec. 3. NEW SECTION. A state agency shall not
- 22 promulgate rules regarding augered wells except rules
- 23 which require the access level to be at least one
- 24 foot above ground level and the earth around the
- 25 access be sloped downward away from the well for
- 26 drainage."
- 27 7. Page 1, by inserting after line 26 the
- 28 following:

29 "Sec. 4. NEW SECTION. A state agency shall not
30 adopt a rule which would prohibit the use of a windmill
31 and forced pump placed within and over the top of
32 a well." "

SCHROEDER of Pottawattamie

H-5745

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 12, by striking lines 22 through 24, and
4 inserting in lieu thereof the following: "twenty-
5 nine thousand two hundred".

6 2. Page 12, by striking lines 32 through 34, and
7 inserting in lieu thereof the following: "director,
8 shall be not less than seventeen".

9 3. Page 13, by striking lines 4 through 6, and
10 inserting in lieu thereof the following: "director
11 shall be not less than".

12 4. Page 13, by striking lines 15 through 17, and
13 inserting in lieu thereof the following: "three
14 thousand three".

SPEAR of Lee

H-5746

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 61, by striking lines 26 through 29 and
4 inserting in lieu thereof the words "in Iowa."

SPEAR of Lee

H-5747

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 60, line 23, by striking the number "3"
4 and inserting in lieu thereof the number "2".

SPEAR of Lee

H-5748

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 46, line 14, by inserting after the word
4 "filled" the words "for the remainder of the unexpired
5 term".

- 6 2. Page 46, lines 16 and 17 by striking the words
7 "and for the remainder of the unexpired term".

SPEAR of Lee

H-5749

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 15, by striking lines 1 through 9 and
4 inserting in lieu thereof the following: "reporter's
5 experience. For the fiscal year beginning July 1,
6 1982, the salary shall be not less than fifteen
7 thousand four hundred fifty dollars nor more than
8 twenty-five thousand eight hundred fifty dollars."

SPEAR of Lee

H-5751

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 71, line 31, by inserting after the
4 word "along" the words "either side of".
5 2. Page 71, line 34, by inserting after the
6 word "along" the words "either side of".

SPEAR of Lee

H-5752

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 78, line 10, by striking the words "a
4 mulct" and inserting in lieu thereof the word "the".

SPEAR of Lee

H-5753

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 72, line 34, by striking the word
4 "convenient".

SPEAR of Lee

H-5757

1 Amend amendment H-5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:

7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that an
11 existing permitted use is causing the delivery system
12 to fail in a well which supplies water for a
13 nonregulated household or livestock use, the
14 commissioner or council may condition issuance or
15 continuation of a permit upon payment by the applicant
16 or permittee of compensation for all or a portion
17 of the cost of a replacement water supply system or
18 remedial work on the affected well necessitated by
19 the interference. Determination of the amount of
20 compensation for the well interference shall be made
21 in a contested case proceeding under section 455A.19
22 or 455A.28. The commissioner or council may require
23 the parties to submit estimates of the cost of remedial
24 repairs or a replacement water supply system. In
25 determining appropriate compensation the commissioner
26 or council shall consider the age and condition of
27 the affected artesian well or the affected well and
28 pumping system and its reasonableness as a method
29 of obtaining groundwater in light of the history of
30 development of groundwater in the surrounding area.
31 When compensation is required for all or part of the
32 cost of construction of a replacement water supply
33 system or reconstruction of an affected well, the
34 construction or reconstruction must comply with
35 applicable state well construction standards.

36 Sec. 2. NEW SECTION. A state agency shall not
37 implement rules which will cause interference with
38 the placement of a pit over the top of a well.

39 Sec. 3. NEW SECTION. A state agency shall not
40 promulgate rules regarding augered wells except rules
41 which require the access level to be at least one
42 foot above ground level and the earth around the
43 access be sloped downward away from the well for
44 drainage.

45 Sec. 4. NEW SECTION. A state agency shall not
46 adopt a rule which would prohibit the use of a windmill
47 and forced pump placed within and over the top of
48 a well." "

H-5760

- 1 Amend Senate File 2243, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 18 and
- 4 inserting in lieu thereof the following:
- 5 "b. The commission may raise the sulfate limit
- 6 above the applicable level established by rule, if
- 7 any, upon request by the owner or applicant for a
- 8 permit for a proposed new industrial lagoon if, after
- 9 a public hearing in the county of the proposed site,
- 10 the commission finds that compliance with the higher
- 11 sulfate limit will cause serious economic hardship
- 12 to the owner or applicant. In making such a
- 13 determination, the commission shall consider the
- 14 following factors:
- 15 (1) The character and degree of injury or potential
- 16 injury to, or interference with, property or human
- 17 health, and
- 18 (2) The practicality of utilizing an alternative
- 19 site, treatment technique or water supply to reduce
- 20 odors, and
- 21 (3) The suitability of the proposed anaerobic
- 22 lagoon to the area where it is to be located."

HALL of Linn

H-5761

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 99, line 1, by striking the word "all"
- 4 and inserting in lieu thereof the words "ninety percent
- 5 of the".

SWARTZ of Marshall

H-5762

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 65, by striking lines 20 and 21 and
- 4 inserting in lieu thereof the following:
- 5 "3. A person is not required to be admitted to
- 6 the practice of law in this state as a condition of
- 7 being appointed to the office of magistrate, but the
- 8 magistrate appointing commission shall first consider".

SPEAR of Lee

H-5763

1 Amend Senate File 2233, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 9, line 29, through page 10,
4 line 10, and inserting in lieu thereof the following:

5 "1. A county shall provide the district court
6 for the county with physical facilities, including
7 heat, water, electricity, maintenance, and custodial
8 services. A county shall provide suitable court
9 rooms, and offices for the district court, and for
10 judicial officers of the district court, the clerk of
11 the district court, juvenile court officers, and
12 other court employees. The chief judge may direct
13 the sheriff to procure these facilities at county
14 expense if the county fails to provide them."

SWARTZ of Marshall

H-5764

1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Section 358A.1, Code 1981, is amended
6 to read as follows:

7 358A.1 WHERE APPLICABLE. The provisions of this
8 chapter shall be applicable to any implemented by
9 every county of the state at the option of the board
10 of supervisors of any such county."

11 2. Amend the title by striking lines 1 through
12 4 and inserting in lieu thereof the words "An Act
13 to require county zoning."

SWARTZ of Marshall
CARPENTER of Polk

H-5765

1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 11, by striking the word "Two"
4 and inserting in lieu thereof the word "Four".

5 2. Page 3, line 12, by striking the words "and
6 one" and inserting in lieu thereof the word ", one".

7 3. Page 3, line 13, by inserting after the word
8 "population" the words "and two members of county
9 boards of supervisors".

PELLETT of Cass

H—5767

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 3, line 6, by inserting after the word
4 "data." the words "The subject matter of these
5 directives also shall include guidelines appropriate
6 to assure compliance with the Iowa State Civil Rights
7 Act in chapter 601A and that persons performing
8 comparable work shall receive comparable compensation
9 regardless of whether the work performed has
10 traditionally been performed by males or females.
11 To determine whether the work is comparable, the value
12 of the work shall be measured by the composite of
13 the skill, effort, responsibility, and working
14 conditions normally required to perform the work."

15 2. Page 4, line 13, by inserting after the word
16 "court." the words "The administrator shall implement
17 directives issued under section 602.1204, subsection
18 2 of this Act, regarding comparable work in any
19 employment decisions made."

20 3. Page 4, line 32, by inserting after the word
21 "department." the words "The administrator shall
22 implement directives issued under section 602.1204,
23 subsection 2 of this Act, regarding comparable work
24 in any employment decisions made."

25 4. Page 11, line 19, by inserting after the word
26 "court." the words "Directives issued by the state
27 court administrator under section 602.1204, subsection
28 2 of this Act, regarding comparable work shall be
29 implemented in the personnel system."

SMALLEY of Polk
JOHNSON of Howard
PAVICH of Pottawattamie
AVENSON of Fayette
BAXTER of Des Moines
SMITH of Scott
KREWSON of Polk
RITSEMA of Sioux
FEY of Scott
HALL of Linn
DE GROOT of Lyon
ARNOULD of Scott
STUELAND of Clinton
PELLETT of Cass
PONCY of Wapello
TYRRELL of Iowa
WELSH of Dubuque
BRANDT of Black Hawk
JOHNSON of Linn
SCHROEDER of Pottawattamie
CHIODO of Polk
TRUCANO of Polk
MANN of Greene

DODERER of Johnson
ANDERSON of Audubon
POFFENBERGER of Dallas
RAPP of Black Hawk
MULLINS of Kossuth
CLARK of Cerro Gordo
BRANSTAD of Winnebago
PELTON of Clinton
HOFFMANN-BRIGHT of Muscatine
LLOYD-JONES of Johnson
DAVITT of Warren
CONNORS of Polk
CARPENTER of Polk
SULLIVAN of Van Buren
LONERGAN of Boone
WOODS of Polk
JOHNSON of Woodbury
CARL of Poweshiek
CRABB of Crawford
EGENES of Story
HORN of Linn
RUNNING of Linn
SWEARINGEN of Keokuk
HARBOR of Mills

H-5768

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 18 the
4 following:

5 "c. The commission shall adopt rules requiring
6 that at least fifty percent of the water used in the
7 operation of the facility using an anaerobic lagoon
8 be recycled."

STUELAND of Clinton

H-5769

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 18 the
4 following:

5 "c. The commission shall adopt rules requiring
6 that not more than one hundred seventy-five gallons
7 of water per animal shall be used in the operation
8 of the facility using an industrial anaerobic lagoon."

STUELAND of Clinton

H-5770

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 8, by inserting after the word
4 "state" the words ", provided that the clerks of the
5 district court and their deputies and employees shall
6 continue to be county employees".

7 2. By striking page 7, line 31 through page 8,
8 line 1 and inserting in lieu thereof the following:

9 "1. The office of clerk of the district court
10 is an elective office as provided in section 39.17."

11 3. Page 11, by inserting after line 1 the
12 following:

13 " . A county shall pay the salaries, travel
14 and other personal expenses, benefit costs, and all
15 other personnel costs of the clerk of the district
16 court, deputy clerks, and other persons employed in
17 the office of the clerk of the district court."

18 4. Page 11, by striking lines 17 through 19 and
19 inserting in lieu thereof the words "of positions
20 within the department, except clerks of the district
21 court and their deputies and employees."

22 5. Page 14, by striking lines 10 through 23 and
23 inserting in lieu thereof the words "OFFICES. The

24 salaries of the clerks of the district court and their
25 deputies and employees shall be set as provided in
26 Acts of the Sixty-ninth General Assembly, 1981 Session,
27 chapter 117."

28 6. Page 16, by inserting after line 5 the
29 following:

30 " . This section does not apply to clerks of
31 the district court or their deputies or employees."

32 7. By striking page 74, line 32 through page 75,
33 line 8 and inserting in lieu thereof the words "OF
34 THE DISTRICT COURT. The clerk of the district court
35 shall be elected as provided in section 39.17. The
36 clerk of the district court may employ deputies and
37 other employees as provided in Acts of the Sixty-ninth
38 General Assembly, 1981 Session, chapter 117. The
39 clerk of the district court and deputies and employees
40 of the clerk of the district court are county
41 employees, but shall be subject to administrative
42 and supervisory control by the judicial department
43 as provided by law."

44 8. Page 103, line 6, by inserting after the period
45 the words "This subsection does not apply to the
46 clerks of the district court or their deputies and
47 employees."

48 9. Page 103, by striking lines 19 through 25.

49 10. Page 104, by striking lines 7 through 32.

50 11. Page 105, by striking lines 6 through 19.

Page 2

1 12. Page 105, by striking lines 33 and 34 and
2 inserting in lieu thereof the words "Of the office
3 of the county auditor, by the clerk of the district
4 court; of the clerk of the district court by the state
5 court administrator; or of the county".

6 13. Page 106, by striking lines 12 through 16.

7 14. Page 115, by striking lines 23 through 30.

8 15. Page 116, line 3, by inserting after the word
9 "employees," the words "and the clerks of the district
10 court.".

11 16. Page 126, by striking lines 3 through 8.

12 17. Page 126, by striking lines 29 and 30 and
13 inserting in lieu thereof the words "cluding but not
14 limited to salary and expenses of other personnel
15 costs attributable to the clerk, deputy clerks, and
16 other employees of the clerk's office.".

17 18. By striking page 131, line 29 through page
18 133, line 18.

19 19. Page 136, by striking lines 25 through 31.

20 20. Page 138, by striking lines 21 and 22 and
21 inserting in lieu thereof the following:

22 "1. As used in this section, "base cost" equals
23 twenty-four million, six hundred twenty-six thousand
24 seven hundred thirty-six dollars."

25 21. Page 140, by striking line 26.

26 22. Page 145, by striking lines 13 through 16
27 and inserting in lieu thereof the words "striking
28 the subsection."

29 23. Page 145, by striking lines 20 through 22.

30 24. Page 145, line 30, by striking the figures
31 "10, 44," and inserting in lieu thereof the figure
32 "44".

33 25. Page 146, line 1, by striking the words and
34 figures "subsections 7 and 71, are" and inserting
35 in lieu thereof the words and figure "subsection 71
36 is".

37 26. Page 146, line 2, by striking the word
38 "subsections" and inserting in lieu thereof the word
39 "subsection".

40 27. By renumbering sections, subsections and
41 paragraphs, and correcting internal references.

DAVITT of Warren
DAGGETT of Taylor
LIND of Black Hawk
STUELAND of Clinton
CLEMENTS of Scott
RENKEN of Grundy
RITSEMA of Sioux
BRANSTAD of Winnebago

SMALLEY of Polk
VAN MAANEN of Mahaska
MANN of Greene
PELLETT of Cass
TYRRELL of Iowa
JOHNSON of Howard
SWEARINGEN of Keokuk
GROSS of Ringgold
HANSEN of O'Brien
CRABB of Crawford

H-5771

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 41, by striking lines 2 through 8 and
4 inserting in lieu thereof the words "governor shall
5 appoint a member of the supreme court to serve as
6 chief justice of the supreme court during that member's
7 term of office, and any vacancy in the office of chief
8 justice shall be filled in the same manner. The
9 governor may reappoint a member of the supreme court
10 as chief justice for one or more successive terms.
11 During the absence or inability of the chief justice,
12 the governor may appoint another member of the supreme
13 court to serve as acting chief justice and to exercise
14 all of the rights, duties and powers of the chief
15 justice. If the governor fails to appoint a chief
16 justice or acting chief justice within thirty days
17 after receipt of a written request from the supreme

18 court to do so, the members of the supreme court may
19 select one of the members of the supreme court to
20 serve as chief justice or acting chief justice,
21 respectively."

WELSH of Dubuque

H-5772

1 Amend Senate File 2243, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 11, by inserting after the
4 word "facilities", the words "having operational
5 secondary and tertiary treatment works".

SMALLEY of Polk

H-5773

1 Amend amendment H-5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:
5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:
7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the

33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the
35 construction or reconstruction must comply with
36 applicable state well construction standards. In
37 cases of proposed permitted uses, the commission or
38 council will determine and require that compensation
39 be paid prior to issuance of a regular permit only
40 when the determination is based upon data gathered
41 through authorized test drillings and pumpings pursuant
42 to a temporary permit or other identifiable data.
43 If water systems affected by temporary pumpings have
44 recovered within seven days of the completion of the
45 test, the owner of the affected system shall have
46 no grounds for permanent damages.
47 Sec. 2. NEW SECTION. A state agency shall not
48 adopt or enforce any rules which will cause
49 interference with the placement of a pit over the
50 top of a well.

Page 2

1 Sec. 3. NEW SECTION. A state agency shall not
2 adopt or enforce any rules regarding augered wells
3 except rules which require the access level to be
4 at least one foot above ground level and the earth
5 around the access be sloped downward away from the
6 well for drainage.

7 Sec. 4. NEW SECTION. A state agency shall not
8 adopt or enforce any rules which would prohibit the
9 use of a windmill and force pump placed within and
10 over the top of a well." "

SCHROEDER of Pottawattamie
JAY of Appanoose

H-5774.

1 Amend Senate File 2243 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 18 the
4 following:

5 "c. The commission shall adopt rules requiring
6 that at least seventy-five percent of the water used
7 in the operation of the facility using an industrial
8 anaerobic lagoon be supplied by surface water."

STUELAND of Clinton

H-5775

- 1 Amend Senate File 2234 as follows:
- 2 1. Page 1, by adding the following after line 26:
- 3 "Sec. . NEW SECTION. CAPPING WATER WELLS. A
- 4 water well which is no longer used as a source of water
- 5 shall be capped to prevent the entry of pollutants
- 6 into the ground water. An owner of an unused well
- 7 who fails to cap the well commits a simple misdemeanor."

O'KANE of Woodbury

H-5777

- 1 Amend Senate File 2218 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 4 the following:
- 4 "6. "County land use plan" means a comprehensive
- 5 plan as described in section 358A.5 for the
- 6 unincorporated areas of the county."
- 7 2. Page 5, line 11, by inserting after the word
- 8 "inventories" the words "of the unincorporated areas
- 9 of the counties".
- 10 3. Page 6, line 34, by inserting after the word
- 11 "plans" the words "for the unincorporated areas of
- 12 the counties".
- 13 4. Page 7, line 2, by inserting after the word
- 14 "plan" the words "for the unincorporated area of the
- 15 county".

JOHNSON of Linn
SMITH of Scott
KREWSON of Polk
O'KANE of Woodbury

H-5778

- 1 Amend Senate File 2218 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting after line 35 the
- 4 following:
- 5 "3. Within a county designated as a standard
- 6 metropolitan statistical area by the United States
- 7 bureau of the census, an agricultural district shall
- 8 not be established within the area in which a city
- 9 has the authority to approve the platting of
- 10 subdivisions under section 409.14 without the approval
- 11 of the city council."

JOHNSON of Linn
SMITH of Scott
KREWSON of Polk
O'KANE of Woodbury

H-5779

1 Amend Senate File 2218 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 10, by inserting after line 35 the
4 following:

5 "Sec. 15. NEW SECTION. METROPOLITAN AREAS.

6 Within a county designated as a standard metropolitan
7 statistical area by the United States bureau of the
8 census, an agricultural area shall not be created
9 or land withdrawn from an agricultural area within
10 the area in which a city has authority to approve
11 the platting of subdivisions under section 409.14
12 without the approval of that city council. The county
13 committee shall submit any proposal for creation of
14 an agricultural area or notice of withdrawal subject
15 to this section to the city council before recording
16 the creation or withdrawal. If the city council
17 disapproves of the creation or withdrawal, the creation
18 or withdrawal shall not become effective."

JOHNSON of Linn
SMITH of Scott
KREWSOON of Polk
O'KANE of Woodbury

H-5780

1 Amend H-5688 to Senate File 2218 as amended, passed,
2 and reprinted by the Senate as follows:

3 1. Page 17, by striking line 42 through page 18,
4 line 8.

5 2. Page 21, by striking lines 33 through 35 and
6 inserting in lieu thereof the following: "areas of
7 the community, any city may is hereby empowered to".

8 3. Page 21, by striking lines 43 through page
9 22, line 8.

10 4. Page 22, by striking lines 9 through 11 and
11 inserting in lieu thereof the following:

12 "2. A city may elect to be subject to zoning by
13 the county instead of exercising its powers under
14 this chapter. If, after notifying the county, the
15 election".

DIELEMAN of Marion
BAXTER of Des Moines

H-5789

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 60, line 23, by striking the number "3"
- 4 and inserting in lieu thereof the number "2".
- 5 2. Page 105, line 24, by striking the word
- 6 "officer" and inserting in lieu thereof the word
- 7 "officer".
- 8 3. Page 109, lines 5 and 6, by striking the words
- 9 "paragraphs a, b and d" and inserting in lieu thereof
- 10 the words and figure "paragraph a, paragraph b,
- 11 unnumbered subparagraph 1, and paragraph d".
- 12 4. Page 112, line 28, by striking the word and
- 13 figure "subsection 4".
- 14 5. Page 131, line 27, by striking the words "or
- 15 sheriff," and inserting in lieu thereof the words
- 16 "or sheriff".
- 17 6. Page 136, line 3, by striking the number "10091"
- 18 and inserting in lieu thereof the number "10107".
- 19 7. Page 136, line 10, by striking the number
- 20 "10092" and inserting in lieu thereof the number
- 21 "10108".
- 22 8. Page 140, by striking line 22 and inserting
- 23 in lieu thereof the following:
- 24 "Sec. 10207.
- 25 1. Commencing July 1, 1983, new employees shall".

CONLON of Muscatine

H-5790

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 34, by striking the word "annual".
- 4 2. Page 8, line 35, by striking the words "an
- 5 annual" and inserting in lieu thereof the word "a".

CONLON of Muscatine

H-5793

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 125, line 27, by striking the words
- 4 "at the" and inserting in lieu thereof the words
- 5 "at the a".

SPEAR of Lee

H-5794

- 1 Amend amendment H-5772 to Senate File 2243, as
- 2 amended, passed and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 5, by striking the words
- 5 "and tertiary".
- 6 2. Page 1, by inserting after line 5 the
- 7 following:
- 8 "2. Page 2, line 25, by inserting after the
- 9 word "facilities", the words "having operational
- 10 secondary treatment works" "

SMALLEY of Polk

H-5804

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 117, line 17, by striking the words "order
- 4 a subpoena to issue" and inserting in lieu thereof
- 5 the words "order the clerk of court to issue a subpoena
- 6 to issue".

SPEAR of Lee

H-5805

- 1 Amend Senate File 2233 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 125, line 33, by striking the words "fuel,
- 4 lights," and inserting in lieu thereof the words
- 5 "fuel, lights utilities other than telephone service".

SPEAR of Lee

H-5806

- 1 Amend Senate File 2233 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 130, by striking lines 4 through 6 and
- 4 inserting in lieu thereof the following:
- 5 "5. a. The board shall provide suitable office
- 6 space for the office of the public defender. However,
- 7 the board may provide the".
- 8 2. Page 130, by striking lines 13 through 15 and
- 9 inserting in lieu thereof the following:
- 10 "b. The board shall provide suitable furniture,
- 11 equipment, and supplies for the office of the public
- 12 defender out".

SPEAR of Lee

H—5809

- 1 Amend amendment H—5800, the senate amendment to
- 2 House File 2439 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, line 3, by inserting after the number "24"
- 5 the following: "and inserting in lieu thereof the
- 6 following:
- 7 "Sec. 2. This Act shall take effect January 1, 2083"."

SCHROEDER of Pottawattamie

H—5811

- 1 Amend amendment H—5800, the Senate amendment to
- 2 House File 2439 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 1, line 3, by inserting after the figure
- 5 "24" the following: "and inserting in lieu thereof
- 6 the following:
- 7 "Sec. . The commission shall grant a real
- 8 estate broker's license to an auctioneer if the
- 9 auctioneer demonstrates to the commission that the
- 10 auctioneer has participated in a bona fide real estate
- 11 transaction within two years prior to the effective
- 12 date of this Act, and shall send a copy of real estate
- 13 licensing rules to an auctioneer who is granted a
- 14 license under this section. In order to receive a
- 15 real estate broker's license, the auctioneer shall
- 16 apply for the license between July 1, 1982, and January
- 17 1, 1983, and shall pay the appropriate fee as provided
- 18 in section 117.27. An auctioneer who is granted a
- 19 real estate broker's license shall not be allowed
- 20 to employ a real estate salesperson for five years
- 21 following the date the auctioneer was licensed as
- 22 a real estate broker.
- 23 Sec. . Section 117.15, unnumbered paragraph
- 24 3, as amended by Acts of the Sixty-ninth General
- 25 Assembly, 1981 Session, chapter 54, section 6, shall
- 26 not apply to auctioneers who are granted a real estate
- 27 broker's license under this Act."

SCHROEDER of Pottawattamie

H—5812

- 1 Amend Senate amendment H—5800 to House File 2439
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 3, by inserting after the figure
- 5 "24" the following: "and inserting in lieu thereof
- 6 the following:

7 "Sec. 2. Section 117.15, unnumbered paragraph
8 3, Code 1981, as amended by Acts of the Sixty-ninth
9 General Assembly, 1981 Session, chapter 54, section
10 6, is amended to read as follows:

11 To qualify for a license as a real estate broker,
12 a person shall have been a licensed real estate
13 salesperson for a period of at least twelve months
14 preceding the date of application; or shall have had
15 experience substantially equal to that which a licensed
16 real estate salesperson would ordinarily receive
17 during a period of twelve months, whether as a former
18 broker or salesperson, a manager of real estate, or
19 otherwise. However, if the commission finds that
20 any applicant could not acquire employment as a
21 licensed real estate salesperson because of conditions
22 existing in the area where the person resides, or
23 if the applicant is an auctioneer who demonstrates
24 to the commission that the auctioneer has participated
25 in a bona fide real estate transaction within two
26 years prior to the effective date of this Act and
27 applies for the license between July 1, 1982, and
28 January 1, 1983, the provisions of this paragraph
29 shall be waived by the commission."

SCHROEDER of Pottawattamie

H-5813

1 Amend Senate amendment H-5800 to House File 2439
2 as amended, passed and reprinted by the House as
3 follows:

4 1. Page 1, line 3, by inserting after the figure
5 "24" the following: "and inserting in lieu thereof
6 the following:

7 "Sec. . Section 117.29, unnumbered paragraph
8 2, Code 1981, as amended by Acts of the Sixty-ninth
9 General Assembly, 1981 Session, chapter 54, section
10 17, is amended to read as follows:

11 The revocation of a broker's license shall
12 automatically suspend every license granted to any
13 person by virtue of his or her employment by the
14 broker whose license has been revoked, pending a
15 change of employer and the issuance of a new license.
16 The new license shall be issued upon payment of a
17 fee in an amount determined by the commission based
18 upon the administrative costs involved, if granted
19 during the same license period in which the original
20 license was granted notification to the commission
21 of the person's new employer."

SCHROEDER of Pottawattamie

H-5815

- 1 Amend Senate File 2218, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, line 8, by striking the word
- 4 "shall" and inserting in lieu thereof the word
- 5 "may".

COCHRAN of Webster

H-5816

- 1 Amend Senate File 2218, as amended, passed
- 2 and reprinted by the Senate, as follows:
- 3 1. Page 9, by inserting after line 1 the
- 4 following:
- 5 "Agricultural areas may be established within a
- 6 county by adopting ordinances under section 358A.4
- 7 which are consistent with an adopted comprehensive
- 8 plan."

COCHRAN of Webster

H-5817

- 1 Amend Senate File 2218, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by striking lines 22 through 35
- 4 and inserting in lieu thereof the following:
- 5 "Sec. 14. NEW SECTION. WITHDRAWAL. At any
- 6 time after three years from the date of creation
- 7 of an agricultural area, an owner may petition for
- 8 withdrawal from an agricultural area by filing
- 9 with the county committee a petition for withdrawal
- 10 containing a legal description of the land to be
- 11 withdrawn. Within fifteen days of receipt of a
- 12 petition for withdrawal and upon verification that
- 13 the land to be withdrawn has been in an agricultural
- 14 area for three years, the county committee shall
- 15 provide notice of the petition by publishing notice
- 16 in a newspaper of general circulation in the county.
- 17 The county committee shall provide a copy of the
- 18 petition to the county commission. Within forty-five
- 19 days after receipt, the committee shall hold a public
- 20 hearing on the petition.
- 21 Within sixty days after receipt, the committee
- 22 shall make a recommendation to the county board.
- 23 Within forty-five days after receiving the
- 24 recommendation of the county committee, the county
- 25 board shall accept or reject the petition in a
- 26 written decision, taking into consideration the

27 purposes of this chapter or any county land use plan
28 adopted pursuant to section 7 of this Act.

29 If the petition is accepted, the board shall cause
30 the description of that agricultural area filed with
31 the county auditor and recorded with the county
32 recorder to be modified to reflect the withdrawal.
33 Withdrawal shall be effective on the date of
34 recording. The agricultural area from which the
35 land is withdrawn shall continue in existence even if
36 smaller than five hundred acres after withdrawal."

COCHRAN of Webster

H-5819

1 Amend amendment H-5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:

7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the
33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the
35 construction or reconstruction must comply with
36 applicable state well construction standards. In

37 cases of proposed permitted uses, the commissioner
 38 or council will determine and require that compensation
 39 be paid prior to issuance of a regular permit only
 40 when the determination is based upon data gathered
 41 through authorized test drillings and pumpings pursuant
 42 to a temporary permit or other identifiable data.
 43 If water systems affected by temporary pumpings have
 44 recovered within seven days of the completion of the
 45 test, the owner of the affected system shall have
 46 no grounds for permanent damages arising from the
 47 testing.
 48 Sec. 2. The following provisions of the rules
 49 of the department of health regulating nonpublic water
 50 wells found in Iowa administrative code 470-45,

Page 2

1 published on June 11, 1980 with amendments published
 2 on March 18, 1981, are void and the department shall
 3 withdraw the following provisions:
 4 1. 470-45.3 Iowa administrative code.
 5 2. 470-45.5 (3) and (4) Iowa administrative code.
 6 3. 470-45.6 (2), (3) "a", (4), (5), (7) and (9)
 7 Iowa administrative code.
 8 4. 470-45.7 (1) "a" and (2) Iowa administrative
 9 code.
 10 5. 470-45.8 (1) Iowa administrative code.
 11 6. 470-45.9 (1) and (3) Iowa administrative code.
 12 7. 470-45.11 Iowa administrative code.
 13 8. 470-45.12 Iowa administrative code.
 14 Sec. 3. It is the intent of the general assembly
 15 that the department of health may promulgate standards
 16 for the installation of frost pits that are designed
 17 to minimize the possibility that flood or surface
 18 waters may gain access to the well.
 19 Sec. 4. The department of health shall amend 470-
 20 45.4 Iowa administrative code, published on June 11,
 21 1980, with amendments published on March 18, 1981,
 22 by eliminating the requirement that variances and
 23 reasoning shall be in writing and copies filed with
 24 the health engineering section, Iowa department of
 25 health." "

HANSON of Delaware

H-5822

1 Amend Senate File 2233 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 91, line 8, by striking the figure "42"
 4 and inserting in lieu thereof the figure "41".

CONLON of Muscatine

H-5823

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, lines 33 and 34, by striking the words
4 "internal affairs of the".

5 2. Page 3, line 1, by striking the words "state
6 court administrator" and inserting in lieu thereof
7 the words "supreme court".

8 3. Page 4, line 26, by striking the words
9 "vacancies in court employees" and inserting in lieu
10 thereof the words "vacant court-employee positions".

11 4. Page 5, line 2, by striking the words
12 "statistical and other data" and inserting in lieu
13 thereof the words "information and statistical data".

14 5. Page 5, lines 3 and 4, by striking the words
15 "affairs of" and inserting in lieu thereof the words
16 "matters relating to".

17 6. Page 9, line 25, by inserting after the word
18 "fund" the words "from funds appropriated by the
19 general assembly".

20 7. Page 9, by striking line 27 and inserting in
21 lieu thereof the words "to be used in the operation
22 of the department, but shall not expend any of these
23 funds except pursuant to appropriations of the funds
24 by the general assembly."

25 8. Page 10, by striking lines 2 through 4 and
26 inserting in lieu thereof the word "district."

27 9. Page 10, by striking lines 8 through 10 and
28 inserting in lieu thereof the word "district."

29 10. Page 10, by inserting after line 10 the
30 following:

31 "The supreme court may contract with a county or
32 a city for the transfer to the state of title to
33 physical facilities owned by the county or city and
34 used by the department or any of its operating
35 components. Upon the transfer the county or city
36 shall be relieved of subsequent liability to furnish
37 physical facilities for the department or any of its
38 operating components. However, a contract executed
39 under this paragraph is not enforceable except when
40 and to the extent the contract has been approved by
41 the general assembly."

CONLON of Muscatine
DODERER of Johnson

H-5824

1 Amend amendment H-5812, to amendment H-5800, the
2 Senate amendment to House File 2439, as amended,
3 passed and reprinted by the House, as follows:
4 1. Page 1, line 29, by inserting after the
5 word "commission," the following: "An auctioneer
6 who qualifies for and receives a real estate
7 broker's license under this paragraph shall not be
8 allowed to employ a real estate salesperson for
9 five years following the date the auctioneer was
10 licensed as a real estate broker."

SCHROEDER of Pottawattamie

H-5827

1 Amend amendment H-5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:
3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:
5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:
7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:
9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the
33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the

35 construction or reconstruction must comply with
36 applicable state well construction standards. In
37 cases of proposed permitted uses, the commissioner
38 or council will determine and require that compensation
39 be paid prior to issuance of a regular permit only
40 when the determination is based upon data gathered
41 through authorized test drillings and pumpings pursuant
42 to a temporary permit or other identifiable data.
43 If water systems affected by temporary pumpings have
44 recovered within seven days of the completion of the
45 test, the owner of the affected system shall have
46 no grounds for permanent damages arising from the
47 testing.

48 Sec. 2. The following provisions of the rules
49 regulating nonpublic water wells found in Iowa
50 administrative code 470-45, published on June 11,

Page 2

1 1980 with amendments published on March 18, 1981,
2 are void and the following provisions shall be
3 withdrawn:

- 4 1. 470-45.3 Iowa administrative code.
- 5 2. 470-45.5(3) and (4) Iowa administrative code.
- 6 3. 470-45.6(2), (3)"a", (4), (5), (7) and (9)
- 7 Iowa administrative code.
- 8 4. 470-45.7(1)"a" and (2) Iowa administrative
- 9 code.
- 10 5. 470-45.8(1) Iowa administrative code.
- 11 6. 470-45.9(1) and (3) Iowa administrative code.
- 12 7. 470-45.11 Iowa administrative code.
- 13 8. 470-45.12 Iowa administrative code.

14 Sec. 3. NEW SECTION. A state agency shall not
15 prohibit the placement of a pit over the top of a
16 well.

17 Sec. 4. NEW SECTION. A state agency shall not
18 prohibit augered wells, but a rule may require the
19 access level to be at least one foot above ground
20 level and the earth around the access be sloped
21 downward away from the well for drainage.

22 Sec. 5. NEW SECTION. A state agency shall not
23 prohibit the use of a windmill and force pump placed
24 within and over the top of a well.

25 Sec. 6. 470-45.4 Iowa administrative code,
26 published on June 11, 1980, with amendments published
27 on March 18, 1981 is amended by striking the rule
28 and inserting in lieu thereof the following:

29 470-45.4 Variances. Variances to these rules
30 may be granted by the state department of health or
31 local boards of health provided sufficient and proposed
32 alternative information is afforded to substantiate
33 the need and propriety for such action." "

H—5829

1 Amend Senate File 387 as follows:
2 1. Page 1, by inserting after line 25 the
3 following:
4 "Sec. . Acts of the Sixty-ninth General
5 Assembly, 1981 Session, chapter 44, section 9,
6 first new paragraph, is amended to read as follows:
7 NEW PARAGRAPH. The person or organization
8 conducting the game can show to the satisfaction
9 of the department that it is eligible for exemption
10 from federal income taxation under either section
11 501(c)(3), 501(c)(5), 501(c)(6), 501(c)(8),
12 501(c)(10), or 501(c)(19) of the Internal Revenue
13 Code, as defined in section 422.4. However, this
14 paragraph does not apply to a political party as
15 defined in section 43.2 or to a nonparty political
16 organization that has qualified to place a candidate
17 as its nominee for statewide office pursuant to
18 chapter 44."

CARL of Poweshiek

H—5830

1 Amend amendment H—5829 to Senate File 387 as
2 follows:
3 Page 1, line 15, by inserting after the number
4 "43.2" the words "or a youth organization
5 affiliated with a political party."

AVENSON of Fayette

H—5831

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, by striking lines 33 and 34 and
4 inserting in lieu thereof the words "the district
5 judges of a judicial district shall appoint a chief
6 judge for the judicial district."
7 2. Page 6, line 3, by striking the words "supreme
8 court" and inserting in lieu thereof the words
9 "district judges of a judicial district".
10 3. Page 146, by inserting after line 2 the
11 following:
12 "11. Rule of civil procedure 376, Code 1981, is
13 amended by striking the rule."

WELDEN of Hardin

H-5835

1 Amend amendment H-5800, the Senate amendment, to
2 House File 2439 as amended, passed and reprinted by
3 the House, as follows:

4 1. Page 1, line 3, by striking the number "24"
5 and inserting in lieu thereof the number "22".

HUMMEL of Benton
HALVORSON of Webster
JOHNSON of Linn
SWARTZ of Marshall
SMITH of Scott

H-5836

1 Amend amendment H-5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:

7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the
33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the
35 construction or reconstruction must comply with

36 applicable state well construction standards. In
37 cases of proposed permitted uses, the commissioner
38 or council will determine and require that compensation
39 be paid prior to issuance of a regular permit only
40 when the determination is based upon data gathered
41 through authorized test drillings and pumpings pursuant
42 to a temporary permit or other identifiable data.
43 If water systems affected by temporary pumpings have
44 recovered within seven days of the completion of the
45 test, the owner of the affected system shall have
46 no grounds for permanent damages arising from the
47 testing.

48 Sec. 2. The following provisions of the rules
49 regulating nonpublic water wells found in Iowa
50 administrative code 470-45, published on June 11,

Page 2

1 1980 with amendments published on March 18, 1981,
2 are void and the following provisions shall be
3 withdrawn:

4 1. 470-45.3 Iowa administrative code.
5 2. 470-45.5(3) and (4) Iowa administrative code.
6 3. 470-45.6(2), (3)"a", (4), (5), (7) and (9)
7 Iowa administrative code.
8 4. 470-45.7(1)"a" and (2) Iowa administrative
9 code.

10 5. 470-45.8(1) Iowa administrative code.
11 6. 470-45.9(1) and (3) Iowa administrative code.
12 7. 470-45.11 Iowa administrative code.
13 8. 470-45.12 Iowa administrative code.

14 Sec. 3. NEW SECTION. A state agency shall not
15 prohibit the placement of a pit over the top of a
16 well.

17 Sec. 4. NEW SECTION. A state agency shall not
18 prohibit augered wells, but a rule may require the
19 access level to be at least one foot above ground
20 level and the earth around the access be sloped
21 downward away from the well for drainage.

22 Sec. 5. NEW SECTION. A state agency shall not
23 prohibit the use of a windmill and force pump placed
24 within and over the top of a well.

25 Sec. 6. 470-45.4 Iowa administrative code,
26 published on June 11, 1980, with amendments published
27 on March 18, 1981 is amended by striking the rule
28 and inserting in lieu thereof the following:

29 470-45.4 Variances. Variances to these rules
30 may be granted by the state department of health
31 provided sufficient and proposed alternative
32 information is afforded to substantiate the need and
33 propriety for such action." "

H-5837

1 Amend House File 2484 as follows:

2 1. Page 4, by inserting after line 25 the
3 following:

4 "Sec. . Section 321.1, subsection 38, Code
5 1981, is amended to read as follows:

6 38. "Dealer" means every person engaged in the
7 business of buying, selling or exchanging vehicles
8 of a type required to be registered hereunder or
9 titled under this chapter and who has an established
10 place of business for such that purpose in this state."

11 2. Page 9, by inserting after line 27 the
12 following:

13 "Sec. . Section 321.57, unnumbered paragraph
14 1, Code 1981, is amended to read as follows:

15 A dealer owning any vehicle of a type otherwise
16 required to be registered hereunder or titled under
17 this chapter may operate or move the same vehicle
18 upon the highways solely for purposes of transporting,
19 testing, demonstrating or selling the same vehicle
20 without registering each such vehicle upon condition
21 that any such vehicle display in the manner prescribed
22 in sections 321.37 and 321.38 a special plate issued
23 to such the owner as provided in sections 321.58 to
24 321.62. In addition to the foregoing, a new ear
25 dealer or a used ear dealer may operate or move upon
26 the highways any new or used ear motor vehicle or
27 trailer owned by him the dealer for either private
28 or business purposes without registering the same
29 providing, (1) such new or used ear motor vehicle
30 or trailer is in the dealer's inventory and is
31 continuously offered for sale at retail, and (2) there
32 is displayed thereon a special plate issued to such
33 the dealer as provided in sections 321.58 to 321.62."

34 3. By numbering and renumbering as necessary.

LAGESCHULTE of Bremer
DAVITT of Warren

H-5839

1 Amend amendment H-5600 to Senate File 2234 as
2 amended, passed and reprinted by the Senate as follows:

3 1. Page 1, by striking lines 3 and 4 and inserting
4 in lieu thereof the following:

5 "1. By striking all after the enacting clause
6 and inserting in lieu thereof the following:

7 "Section 1. Section 455A.21, Code 1981, is amended
8 by adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. If an investigation
10 under section 455A.18 or 455A.28 discloses that a
11 proposed or an existing permitted use or combination
12 of such permitted uses is causing or will cause the
13 delivery system to fail in a well which supplies water
14 for a nonregulated household or livestock use, the
15 commissioner or council may condition issuance or
16 continuation of a permit upon payment by the applicant
17 or permittee of compensation for all or a portion
18 of the cost of a replacement water supply system or
19 remedial work on the affected well necessitated by
20 the interference. Determination of the amount of
21 compensation for the well interference shall be made
22 in a contested case proceeding under section 455A.19
23 or 455A.28. The commissioner or council may require
24 the parties to submit estimates of the cost of remedial
25 repairs or a replacement water supply system. In
26 determining appropriate compensation the commissioner
27 or council shall consider the age and condition of
28 the affected artesian well or the affected well and
29 pumping system and its reasonableness as a method
30 of obtaining groundwater in light of the history of
31 development of groundwater in the surrounding area.
32 When compensation is required for all or part of the
33 cost of construction of a replacement water supply
34 system or reconstruction of an affected well, the
35 construction or reconstruction must comply with
36 applicable state well construction standards. In
37 cases of proposed permitted uses, the commissioner
38 or council will determine and require that compensation
39 be paid prior to issuance of a regular permit only
40 when the determination is based upon data gathered
41 through authorized test drillings and pumpings pursuant
42 to a temporary permit or other identifiable data.
43 If water systems affected by temporary pumpings have
44 recovered within seven days of the completion of the
45 test, the owner of the affected system shall have
46 no grounds for permanent damages arising from the
47 testing.

48 Sec. 2. The following provisions of the rules
49 regulating nonpublic water wells found in Iowa
50 administrative code 470-45, published on June 11,

Page 2

- 1 1980 with amendments published on March 18, 1981,
- 2 are void and the following provisions shall be
- 3 withdrawn:
- 4 1. 470-45.3 Iowa administrative code.
- 5 2. 470-45.5(3) and (4) Iowa administrative code.
- 6 3. 470-45.6(2), (3)"a", (4), (5), (7) and (9)
- 7 Iowa administrative code.

- 8 4. 470-45.7(1)"a" and (2) Iowa administrative
9 code.
10 5. 470-45.8(1) Iowa administrative code.
11 6. 470-45.9(1) and (3) Iowa administrative code.
12 7. 470-45.11 Iowa administrative code.
13 8. 470-45.12 Iowa administrative code." "

SCHROEDER of Pottawattamie
CLARK of Cerro Gordo
CHIDO of Polk

H—5843

- 1 Amend amendment H—5800, the Senate amendment, to
2 House File 2439 as amended, passed, and reprinted
3 by the House, as follows:
4 1. Page 1, by striking line 3 and inserting in
5 lieu thereof the following:
6 "1. Page 1, line 22, by inserting after the word
7 "brokers." the words "However, an auctioneer granted
8 a license under this section is not subject to rules
9 which specify continuing education requirements." "

SCHROEDER of Pottawattamie

H—5849

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 11, by striking lines 24 through 26.
4 2. Page 103, by striking lines 5 and 6 and
5 inserting in lieu thereof the words "court employees."
6 3. Page 144, by striking lines 10 through 14 and
7 inserting in lieu thereof the following:
8 "1. County employees who become state employees
9 on the effective date of this Act as a result of this
10 Act are court employees for purposes of section 10010
11 of this Act, subject to the temporary provisions
12 contained in subsection 2."
13 4. Page 144, by striking lines 25 through 28.
14 5. By renumbering as necessary.

WELDEN of Hardin
BRANSTAD of Winnebago
SCHROEDER of Pottawattamie

H—5850

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 77, by striking lines 2 through 4 and
4 inserting in lieu thereof the following:

- 5 "11. Keep for public inspection a certified copy
6 of Acts effective by publication and furnish copies
7 as provided in section 3.15."

SPEAR of Lee

H—5853

- 1 Amend the Senate amendment, H—5845, to House File
2 2463, as amended, passed and reprinted by the House,
3 as follows:
4 1. By striking page 1, line 3 through page 2,
5 line 28, and inserting in lieu thereof the following:
6 "1. Page 33, by inserting after line 24 the
7 following:
8 "Sec. . The following provisions of the rules
9 regulating nonpublic water wells found in Iowa
10 administrative code 470-45, published on June 11,
11 1980 with amendments published on March 18, 1981,
12 are void and the following provisions shall be
13 withdrawn:
14 1. 470-45.3 Iowa administrative code.
15 2. 470-45.5(3) and (4) Iowa administrative code.
16 3. 470-45.6(2), (3)"a", (4), (5), (7) and (9)
17 Iowa administrative code.
18 4. 470-45.7(1)"a" and (2) Iowa administrative
19 code.
20 5. 470-45.8(1) Iowa administrative code.
21 6. 470-45.9(1) and (3) Iowa administrative code.
22 7. 470-45.11 Iowa administrative code.
23 8. 470-45.12 Iowa administrative code."
24 2. By numbering and renumbering sections to conform
25 to this amendment."

SCHROEDER of Pottawattamie

H—5856

- 1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 14, line 13, by inserting after the period
4 the words "The salary of the clerk of the district
5 court in any county shall not exceed the highest of
6 the respective salaries being paid at the same time
7 by the county to the county auditor, county treasurer
8 and county recorder in that county."

DE GROOT of Lyon

H-5859

1 Amend Senate File 2233 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. By striking page 97, line 27 through page 98,
4 line 2, and inserting in lieu thereof the following:

5 "2. The state comptroller shall distribute amounts
6 certified by the treasurer of state under subsection
7 1 to the school districts in the manner provided in
8 subsection 3, provided that commencing in the fiscal
9 year beginning in July, 1985, the maximum amount that
10 is subject to distribution to school districts by
11 the state comptroller during a fiscal year is the
12 aggregate amount distributed to all school districts
13 during the fiscal year beginning July 1, 1984, and
14 any excess of the aggregate of amounts collected over
15 the maximum amount that is subject to distribution
16 shall be deposited in the state general fund.

17 3. Subject to the limit established in subsection
18 2, the state comptroller shall distribute amounts
19 certified under subsection 1 as follows:

20 a. During the fiscal year commencing July 1, 1984
21 and ending June 30, 1985, the state comptroller shall
22 distribute to a school district the amount collected
23 by a clerk of the district court in actions arising
24 in the school district.

25 b. During the fiscal year commencing July 1, 1985
26 and ending June 30, 1986, the state comptroller shall
27 distribute to a school district an amount equal to
28 the sum of seventy-five percent of the amount collected
29 by a clerk of the district court in actions arising
30 in that school district plus that school district's
31 proportionate share of twenty-five percent of the
32 amounts collected by all clerks of the district court
33 in actions arising in all school districts.

34 c. During the fiscal year commencing July 1, 1986
35 and ending June 30, 1987, the state comptroller shall
36 distribute to a school district an amount equal to
37 the sum of fifty percent of the amount collected by
38 a clerk of the district court in actions arising in
39 that school district plus that school district's
40 proportionate share of fifty percent of the amounts
41 collected by all clerks of the district court in
42 actions arising in all school districts.

43 d. During the fiscal year commencing July 1, 1987
44 and ending June 30, 1988 the state comptroller shall
45 distribute to a school district an amount equal to
46 the sum of twenty-five percent of the amount collected
47 by a clerk of the district court in actions arising
48 in that school district plus that school district's
49 proportionate share of seventy-five percent of the
50 amounts collected by all clerks of the district court

Page 2

- 1 in actions arising in all school districts.
2 e. During a fiscal year that commences on or after
3 July 1, 1988 the state comptroller shall distribute
4 to a school district that district's proportionate
5 share of the amounts collected by all clerks of the
6 district court in actions arising in all school
7 districts.
8 f. For purposes of paragraphs a through e of this
9 subsection, the proportionate share of a school
10 district for a fiscal year is the percentage, to the
11 nearest one one-hundredth of a percent, determined
12 by dividing the basic enrollment of that school
13 district as reported to the department of public
14 instruction in September of the preceding year under
15 section 442.4 by the aggregate of the basic enrollments
16 of all school districts as reported to the department
17 of public instruction in September of the preceding
18 year under section 442.4."
19 2. Page 98, line 6, by striking the number "2"
20 and inserting in lieu thereof the number "3".

DE GROOT of Lyon

H—5867

- 1 Amend the Senate amendment H—5820 to House File
2 2334 as passed by the House, as follows:
3 1. Page 3, by inserting after line 29 the
4 following:
5 "Sec. 10. Section 614.24, unnumbered paragraph
6 2, Code 1981, is amended to read as follows:
7 The provisions of this section requiring the filing
8 of a verified claim shall not apply to the reversion
9 of railroad property if the reversion is caused by
10 the property being abandoned for railway purposes
11 and the abandonment occurs after July 1, 1980. The
12 holder of such a reversionary interest may bring an
13 action based upon the interest regardless of whether
14 a verified claim has been filed under this section
15 at any time after July 4, 1965. For purposes of this
16 paragraph, property shall not be considered abandoned
17 solely because one or more of the following occur:
18 1. Railroad rolling stock no longer runs on the
19 property.
20 2. Authorization to abandon the property has been
21 granted by the reorganization court or bankruptcy
22 court.
23 3. A statement by the railroad corporation, its
24 trustee, or successor in interest that the property
25 is or will be abandoned."

26 2. Page 3, line 48, by inserting after the word
27 "levy," the words "specifying that for certain purposes
28 certain occurrences do not constitute abandonment,".

SPEAR of Lee

H-5870

1 Amend Senate File 2233, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 114, by inserting after line 27, the
4 following:
5 "Sec. . Section 321.207, Code 1981
6 Supplement, is amended 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 or county traffic ordinances, other than parking
11 regulations, regulating the operation of motor
12 vehicles on highways, shall forward to the
13 department a record of the conviction of any person
14 in the court for a violation of any said of those
15 laws, and may recommend the suspension of the
16 operator's or chauffeur's license of the person
17 convicted, and the department shall consider and act
18 upon the recommendation. However, a record of
19 conviction for a scheduled excessive speed violation
20 of ten miles per hour or less over the posted speed
21 limit shall not be forwarded to the department nor
22 result in a license suspension or revocation."

LIND of Black Hawk

H-5871

1 Amend Senate File 2233, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 95, by striking lines 6 through 12 and
4 inserting in lieu thereof the following:
5 "aa. In criminal cases, when judgment is
6 rendered against the defendant, the clerk shall
7 impose and collect from the defendant the same fees
8 for the same services as in civil cases. No filing fee
9 shall be assessed against the complaining witness.
10 In addition to other fees required by this
11 paragraph, there is a twenty-five dollar fee for
12 the filing of an indictment or information. Upon
13 collection of the fee from the defendant, four
14 dollars of the twenty-five dollar fee shall be
15 deposited in the county treasury for the use of the
16 county and twenty-one dollars of the fee shall be

17 paid to the state treasury of which one dollar shall
18 be deposited in the judicial retirement fund created
19 in section 605.4 to be used to pay retirement benefits
20 of the judicial retirement system and the remainder to
21 be deposited in the general fund of the state."

CONLON of Muscatine

H-5886

1 Amend House File 2488 as follows:

2 1. Page 1, by striking lines 1 through 16 and
3 inserting in lieu thereof the following:

4 "Section 1. Section 422.12, Code 1981, is amended
5 by inserting after subsection 2 the following new
6 subsection:

7 NEW SUBSECTION. If the taxpayer operated a trade
8 or business and the number of employees of that trade
9 or business exceeded, at any time during the trade
10 or business's annual accounting period ending with
11 or during the taxpayer's tax year, the threshold
12 employee level for the annual accounting period, a
13 credit shall be granted equal to ten percent of the
14 wages paid to the most recent employees hired during
15 the accounting period who were domiciled in Iowa on
16 the date of their employment. However, the amount
17 of the credit".

18 2. Page 1, line 22, by inserting after the word
19 "state." the words "If the amount of the credit claimed
20 by a taxpayer under this subsection exceeds the tax
21 liability of the taxpayer, the excess shall be refunded
22 to the taxpayer."

23 3. Page 2, by striking lines 21 through 24 and
24 inserting in lieu thereof the following:

25 "Sec. 2. Section 422.33, Code 1981, is amended
26 by adding the following new subsection:"

27 4. Page 2, line 27, by striking the words "subtract
28 fifty" and inserting in lieu thereof the words "a
29 credit shall be subtracted from the amount of tax
30 computed under the other provisions of this section
31 equal to ten".

32 5. Page 2, line 35, by inserting after the word
33 "state." the words "If the amount of the credit claimed
34 by the taxpayer under this subsection exceeds the
35 tax liability of the taxpayer, the excess shall be
36 refunded to the taxpayer."

RAPP of Black Hawk

H-5890

1 Amend Senate amendment H-5796 to House File 2111,
2 as passed by the House, as follows:

3 1. Page 1, by inserting after line 2 the following:

4 "1. Page 1, by inserting before line 1 the
5 following:

6 "Section 1. Chapter 684, Code 1981, is amended

7 by adding the following new section:

8 NEW SECTION. RULES OF SENTENCING. The supreme
9 court shall have the power to prescribe advisory rules
10 to the district court which establishes criteria in
11 determining the appropriate respective indeterminate
12 terms for violation of section 707.3." "

13 2. Page 1, by striking lines 4 and 5 and inserting

14 in lieu thereof the following: "inserting in lieu

15 thereof the following: "an indeterminate term of

16 twenty-five years, fifty years, or seventy-five years

17 as determined by the sentencing court based on the

18 facts and circumstances of the particular case."

19 . By renumbering to conform to this amendment."

20 3. By renumbering to conform to this amendment.

JAY of Appanoose

H-5894

1 Amend House Concurrent Resolution 142 as follows:

2 1. Page 1, by striking lines 9 through 29 and

3 inserting in lieu thereof the following:

4 "*Whereas*, the Code of Iowa states that licensed practical
5 nurses "perform services in the provision of supportive
6 or restorative care under the supervision of a registered
7 nurse or a physician"; and

8 *Whereas*, the rules regulating the nursing profession
9 must be within the scope of the law; *Now Therefore*

10 *Be It Resolved by the House of Representatives, the*

11 *Senate Concurring*, That the legislative council is

12 requested to create a twelve-member study committee
13 which shall include six members of the appropriate standing

14 committees of the senate and the house of representatives,
15 which shall represent both political parties; and six

16 members of the nursing profession, three appointed by the
17 Iowa Nurses Association, one to represent the association,

18 one registered nurse representing the practice, and one

19 registered nurse educator representing nurse educators;

20 and three appointed by the Iowa Federation of Licensed

21 Practical Nurses, one licensed practical nurse representing

22 the federation, one licensed practical nurse representing
23 the practice, and one licensed practical nurse educator
24 representing nurse educators. The committee shall meet during".

DODERER of Johnson
KREWSON of Polk
LONERGAN of Boone
MULLINS of Kossuth
POFFENBERGER of Dallas

H—5895

1 Amend Senate File 2300 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. . Section 453.1, Code 1981, as amended
6 by Acts of the Sixty-ninth General Assembly, 1981
7 Session, chapter 148, section 1, is amended to read
8 as follows:

9 453.1 DEPOSITS IN GENERAL. All funds held in
10 the hands of the following officers or institutions
11 shall be deposited in banks first approved by the
12 appropriate governing body as indicated: For the
13 treasurer of state, by the executive council; for
14 the county treasurer, recorder, auditor, sheriff,
15 clerk of the district court, and judicial magistrate,
16 by the board of supervisors; for the city treasurer,
17 by the city council; for the county public hospital
18 or merged area hospital, by the board of hospital
19 trustees; for a memorial hospital, by the memorial
20 hospital commission; for a school corporation, by
21 the board of school directors; and for an electric
22 power agency as defined in Acts of the Sixty-ninth
23 General Assembly, 1981 Session, chapter 31, section
24 7, by the governing body of the electric power agency.
25 However, the treasurer of state and the treasurer
26 of each political subdivision shall invest all funds
27 not needed for current operating expenses in time
28 certificates of deposit in banks listed as approved
29 depositories pursuant to this chapter or in investments
30 permitted by section 452.10. The list of public
31 depositories and the amounts severally deposited in
32 the depositories shall be a matter of public record.
33 The term "bank" means a bank or a private bank, as
34 defined in section 524.103.

35 Sec. . Section 454.2, Code 1981, is amended
36 to read as follows:

37 454.2 PURPOSE OF FUND. The purpose of said the
38 fund shall be is to secure the payment of their
39 deposits to state, county, township, municipal, and

40 school corporations, and electric power agencies as
 41 defined in Acts of the Sixty-ninth General Assembly,
 42 1981 Session, chapter 31, section 7, having public
 43 funds deposited in demand or time deposits in any
 44 bank in this state, when such those deposits have
 45 been made by authority of and in conformity with the
 46 direction of the local governing council or board
 47 which is by law charged with the duty of selecting
 48 depository banks for said the funds."

49 2. By renumbering sections and correcting internal
 50 references.

RITSEMA of Sioux
 DE GROOT of Lyon

H-5901

1 Amend the Committee amendment H-5892 to Senate
 2 File 2300 as amended, passed and reprinted by the
 3 Senate, as follows:
 4 1. Page 3, by striking lines 21 through 29 and
 5 inserting in lieu thereof the words "any office if
 6 the total number of the association's offices does
 7 not exceed the number of offices in existence and
 8 operating on the effective date of this Act plus the
 9 number of offices in existence and operating on the
 10 effective date of this Act of any other state
 11 association or federal association with which the
 12 association merges on or after the effective date
 13 of this Act. This subsection does not apply to an
 14 association that makes only those commercial loans
 15 and that accepts only those commercial NOW accounts
 16 which the association could make or accept if it were
 17 a federal association."

CHIODO of Polk
 BAXTER of Des Moines
 JOHNSON of Linn

SCHROEDER of Pottawattamie
 BRUNER of Story
 JOCHUM of Dubuque
 HUMMEL of Benton
 HALVORSON of Clayton

H-5903

1 Amend the Committee amendment, H-5892 to Senate
 2 File 2300 as amended, passed and reprinted by the
 3 Senate, as follows:
 4 1. Page 1, by striking lines 43 through 46 and
 5 inserting in lieu thereof the words "funds in escrow
 6 on or after the effective date of this Act,
 7 irrespective of the date of the escrow agreement,
 8 shall pay interest to the borrower on".

- 9 2. Page 2, by striking lines 25 through 27 and
10 inserting in lieu thereof the words "on or after the
11 effective date of this Act, irrespective of the date
12 of the escrow agreement,".
13 3. Page 3, by striking lines 33 through 36 and
14 inserting in lieu thereof the words "receiving funds
15 in escrow on or after the effective date of this Act,
16 irrespective of the date of the escrow agreement,
17 shall pay interest to the borrower on".
18 4. By striking page 4, line 49 through page 5,
19 line 2, and inserting in lieu thereof the words "A
20 company receiving funds in escrow on or after the
21 effective date of this Act, irrespective of the date
22 of the escrow agreement, shall pay interest".

STURGEON of Woodbury
O'KANE of Woodbury
RAPP of Black Hawk
ARNOULD of Scott

H—5905

- 1 Amend Senate File 2300 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 5, line 32, by striking the word
4 "transients" and inserting in lieu thereof the words
5 "people who are transient".

DODERER of Johnson

H—5910

- 1 Amend House File 2366 as follows:
2 1. Page 4, by striking lines 16 through 29.
3 2. Title page, lines 3 through 5 by striking
4 the words "the provision excluding the tax as
5 part of the basic cost of cigarettes,".
6 3. By numbering as necessary.

JOHNSON of Howard
CONNOLLY of Dubuque
PAVICH of Pottawattamie
McKEAN of Jones

H—5928

- 1 Amend the House amendment, 5879, to House File
2 777 as follows:
3 1. Page 1, by inserting before line 2 the
4 following:
5 "1. Page 1, by inserting before line 1 the
6 following:

7 Section 1. Chapter 539, Code 1981, is amended
8 by adding the following new sections:

9 **NEW SECTION. REGISTRATION OF COLLECTION AGENCIES.**

10 1. A person shall not engage in the business of
11 taking assignments of any type of debt referred to
12 in this chapter for purposes of collection unless
13 the person is registered with the secretary of state
14 under this section.

15 2. A registration under this section shall be
16 on forms provided by the secretary of state, and shall
17 be in effect from the date the registration is filed
18 in the office of the secretary of state and until
19 July 1 next following that date. The secretary of
20 state shall collect a registration fee of twenty-five
21 dollars from each registrant.

22 3. The form for registration under this section
23 shall include the following:

24 a. The name and address of residence of the
25 individual submitting the registration form.

26 b. The name of the person taking assignments under
27 this chapter. If a person takes assignments under
28 more than one name, the person must register under
29 this section for each business name under which
30 assignments are taken.

31 c. The name and address of residence of each of
32 the principal officers of the business that is being
33 registered.

34 d. Every other name under which the person takes
35 assignments of debt for collection purposes.

36 e. The street addresses of each location at which
37 the registrant will engage in the business of taking
38 assignments of debt for collection purposes.

39 f. The names and addresses of residence of all
40 individuals who will appear in court on behalf of
41 the registrant in connection with the collection of
42 debts taken under assignment. This paragraph does
43 not apply to attorneys who are admitted to the practice
44 of law in this state.

45 4. At any time the information required under
46 subsection 3 becomes inaccurate or incomplete, the
47 registrant shall file an amended registration
48 containing accurate and complete information. The
49 secretary of state shall collect a fee of five dollars
50 for each amended registration. An amended registration

Page 2

1 expires as of the date the original registration would
2 have expired.

3 5. A person who is in violation of subsection
4 1 shall not maintain an action in any court of this

5 state as an assignee of a debt referred to in this
6 chapter. An action commenced in violation of this
7 subsection, and any judgement rendered in favor of
8 the violator in such an action, is voidable upon
9 motion of the defendant or the court. The violator
10 shall be liable for all costs incurred in connection
11 with the action.

12 6. A person who is not listed with the secretary
13 of state under subsection 3, paragraph f, shall not
14 appear on behalf of a registrant or any other person
15 in an action to enforce a debt that has been assigned
16 under this chapter, and in the event of a violation
17 the actions shall be dismissed upon the motion of
18 any party or the court and costs awarded in favor
19 of the defendant. This subsection does not apply
20 to a person who is admitted to the practice of law
21 in this state.

22 NEW SECTION. NOTICE OF ASSIGNMENT. At least ten
23 days before an assignor grants assignment of a
24 nonnegotiable instrument or an open account to an
25 assignee for collection in the regular course of
26 business pursuant to section 539.1 or 539.3 of this
27 Act, the assignor shall give the maker of the
28 nonnegotiable instrument or open account notice of
29 the assignment. The notice of assignment shall inform
30 the maker of possible adverse consequences of an
31 assignment for collection including but not limited
32 to the possibility of civil suit and the potential
33 poorer credit rating which may result from an
34 assignment for collection.

35 2. Page 1, line 11, by striking the word "person"
36 and inserting in lieu thereof the words "bona fide
37 purchaser for value".

38 3. Page 1, line 23, by striking the word "person"
39 and inserting in lieu thereof the words "bona fide
40 purchaser for value".

41 2. Page 1, line 2, by striking the numeral "1."
42 and inserting in lieu thereof the numeral "4."

43 3. Page 1, by inserting after line 9 the following:

44 "5. Page 2, line 6, by inserting after the word
45 "claims" the words ", who is a bona fide purchaser
46 for value of those instruments or accounts, and who
47 is registered with the secretary of state under section
48 1 of this Act,".

49 6. Page 2, line 8, by inserting after the word
50 "attorney" the words ", provided that the person shall

Page 3

1 pay to the clerk of the district court at the time
2 each small claim action is commenced a fee equal to

3 one and one-half times the amount specified as the
4 docket fee in section 631.6, subsection 1. The fee
5 required by this section is in addition to the docket
6 fee and other fees required by this chapter, and shall
7 be distributed in the same manner as the docket fee
8 assessed under section 631.6, subsection 1, but is
9 not recoverable as a cost of the action or otherwise".
10 7. Renumber as necessary."

POFFENBERGER of Dallas

H-5934

1 Amend House File 2492, as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 98.6, subsection 1, Code 1981,
5 is amended by striking the subsection and inserting
6 in lieu thereof the following:
7 1. There is imposed and shall be collected and
8 paid to the department a tax on all cigarettes used or
9 otherwise disposed of in this state for any purpose
10 at the rate of nine mills on each cigarette."
11 2. Page 2, by striking lines 4 through 7 and
12 inserting in lieu thereof the following:
13 "Sec. 4. Acts of the Sixty-ninth General
14 Assembly, 1981 session, chapter 43, sections 1 and
15 4, are repealed.
16 Sec. 5. Sections 1, 2 and 4 of this Act take effect
17 July 1, 1982, and section 3 of this Act takes effect
18 June 30, 1982.
19 Sec. 6. This Act, being deemed of immediate
20 importance, takes effect as provided in section 5 of
21 this Act from and".
22 3. By renumbering as required by this amendment.

JOHNSON of Howard
PAVICH of Pottawattamie
COCHRAN of Webster
McKEAN of Jones
BYERLY of Polk
CONNOLLY of Dubuque
HARBOR of Mills

H-5951

1 Amend House File 2496 as follows:
2 1. Page 5, line 11, by striking the words "~~one~~
3 ~~two~~" and inserting in lieu thereof the word "one".

4 2. Page 5, line 11, by inserting after the word
5 "dollars" the following: "plus one hundred million
6 dollars for the corn storage facilities program as
7 authorized in section 1 of this Act".

KREWSON of Polk

H—5952

1 Amend House File 2496 as follows:

2 1. Page 1, by striking lines 15 through 23 and
3 inserting in lieu thereof the words "in the federal
4 three-year corn reserve program."

5 2. Page 2, by striking lines 2 through 5.

6 3. Page 2, by inserting after line 5, the
7 following:

8 " . The person receiving the financing shall
9 sign an affidavit which shall be forwarded to the
10 department of revenue that any deduction for
11 depreciation allowed under section 168 of the Internal
12 Revenue Code of 1954 as amended to and including
13 January 1, 1982 shall not be taken on the corn storage
14 facility for purposes of the state income tax. This
15 paragraph constitutes a disallowance of such deduction
16 for depreciation for state income tax purposes and
17 the taking of such depreciation shall constitute a
18 filing of a false return for purposes of the penalties
19 provided in divisions II and III of chapter 422."

20 4. Page 3, line 10, by striking the word "may"
21 and inserting in lieu thereof the word "shall".

22 5. Page 3, by inserting after line 24 the
23 following:

24 " . Beginning July 1, 1982, there is appropriated
25 to the authority from the general fund of the state
26 an amount equal to one percent of the face value of
27 the bonds or notes issued by the authority under this
28 section. The state comptroller shall pay to the
29 authority within thirty days of the issuance of the
30 bonds or notes the appropriation provided for in this
31 subsection. The authority shall notify the comptroller
32 of the date of the issuance of the bonds or notes.
33 Moneys received by the authority under this subsection
34 shall be used only for the purposes for which the
35 bonds or notes were issued."

36 6. Page 3, by inserting after line 24 the
37 following:

38 " . Before bonds or notes may be issued under
39 this section, the general assembly shall pass a
40 concurrent resolution which authorizes the authority
41 to issue those bonds or notes for the purposes and
42 amount set forth by the authority."

- 43 7. Page 4, by striking line 35 through page 5,
44 line 14.
45 8. Title page, lines 4 and 5, by striking the
46 words "increasing the bonding limit of the authority,".
47 9. By numbering, renumbering and correcting
48 internal references as necessary.

KREWSON of Polk

H-5954

- 1 Amend Senate File 2304, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 48, by striking line 22, and inserting
4 in lieu thereof the figure "2,837,000".
5 2. Page 49, by striking line 18, and inserting
6 in lieu thereof the figure "22,401,000".
7 3. Page 50, line 13, by striking the words and
8 figure "four million four hundred fifteen thousand
9 (4,415,000)" and inserting in lieu thereof the words
10 and figure "four million six thousand (4,006,000)".
11 4. Page 52, by inserting after line 6 the follow-
12 ing:
13 "Sec. . Beginning on and after July 1, 1982,
14 the department of social services shall limit the
15 six-month, inflation and cost-based reimbursement
16 increases to purchase of service providers contracting
17 with the department up to a maximum of four percent
18 of the current reimbursement. This section does not
19 apply to foster residential care and foster group
20 home providers receiving the maximum reimbursements,
21 but does apply to those providers receiving
22 reimbursements below the maximum reimbursements."
23 5. By numbering and renumbering as necessary.

MANN of Greene

H-5955

- 1 Amend Senate File 2304 as amended, passed and re-
2 printed by the Senate as follows:
3 1. Page 39, by inserting after line 2, the
4 following:
5 "Sec. . Notwithstanding the provisions of Acts
6 of the Sixty-ninth General Assembly, 1981 Session,
7 chapter 9, salary increases otherwise specified or

- 8 authorized to be paid in the fiscal year beginning
 9 July 1, 1982 shall not be paid until January 1, 1983."
 10 2. Renumber as necessary.

HARBOR of Mills
 RENKEN of Grundy
 MANN of Greene
 SMALLEY of Polk
 GROSS of Ringgold
 JOHNSON of Linn

TYRRELL of Iowa
 STUELAND of Clinton
 MAULSBY of Calhoun
 HOLT of Clay
 JOHNSON of Howard
 ANDERSON of Audubon
 COOK of Hardin
 PELLETT of Cass

H—5956

- 1 Amend Senate File 2304 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 39, by inserting after line 2, the
 4 following:
 5 "Sec. . Notwithstanding the provisions of Acts
 6 of the Sixty-ninth General Assembly, 1981 Session,
 7 chapter 9, salary increases otherwise specified or
 8 authorized to be paid in the fiscal year beginning
 9 July 1, 1982 shall not be paid until October 1, 1982."
 10 2. Renumber as necessary.

RENKEN of Grundy
 GROSS of Ringgold
 JOHNSON of Linn
 WELDEN of Hardin
 STUELAND of Clinton
 DE GROOT of Lyon
 SMALLEY of Polk

TYRRELL of Iowa
 MAULSBY of Calhoun
 ANDERSON of Audubon
 COOK of Hardin
 HARBOR of Mills
 MANN of Greene
 HOLT of Clay
 JOHNSON of Howard

H—5957

- 1 Amend Senate File 2304 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 39, by inserting after line 2, the
 4 following:
 5 "Sec. . Notwithstanding the provisions of
 6 section 2.10, the annual salary rates for members
 7 of the general assembly and the lieutenant governor
 8 effective for the calendar year beginning January
 9 1, 1982 is reduced by four hundred dollars. Any
 10 person who has received annual salary payments previous
 11 to the effective date of this section which exceed

- 12 the computed amount of salary as determined under
 13 this section, shall repay the excess payment to the
 14 state comptroller."
 15 2. Renumber as necessary.

RENKEN of Grundy
 HARBOR of Mills
 MANN of Greene
 HOLT of Clay
 JOHNSON of Howard
 ANDERSON of Audubon
 COOK of Hardin

TYRRELL of Iowa
 MAULSBY of Calhoun
 STUELAND of Clinton
 DE GROOT of Lyon
 SMALLEY of Polk
 GROSS of Ringgold
 JOHNSON of Linn
 PELLETT of Cass

H-5958

- 1 Amend Senate File 2304 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 39, by inserting after line 2, the
 4 following:
 5 "Sec. . Notwithstanding the provisions of
 6 section 2.10, the annual salary rates for members
 7 of the general assembly and the lieutenant governor
 8 effective for the calendar year beginning January
 9 1, 1982 is reduced by two hundred dollars. Any person
 10 who has received annual salary payments previous to
 11 the effective date of this section which exceed the
 12 computed amount of salary as determined under this
 13 section, shall repay the excess payment to the state
 14 comptroller."
 15 2. Renumber as necessary.

HOLT of Clay
 JOHNSON of Howard
 ANDERSON of Audubon
 COOK of Hardin
 HARBOR of Mills
 MANN of Greene
 RENKEN of Grundy

TYRRELL of Iowa
 SMALLEY of Polk
 GROSS of Ringgold
 JOHNSON of Linn
 WELDEN of Hardin
 STUELAND of Clinton
 DE GROOT of Lyon
 MAULSBY of Calhoun

H-5960

- 1 Amend Senate File 2304 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 8, line 15, by striking the words "No
 4 license shall" and inserting in lieu thereof the
 5 words "No license shall A license to fish shall not".

SPEAR of Lee

H—5965

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 16, by inserting after line 8 the
- 4 following:
- 5 "Sec. . Acts of the Sixty-ninth General
- 6 Assembly, 1981 Session, chapter 8, section 8,
- 7 subsection 10, is amended by adding the following
- 8 new paragraph:
- 9 NEW PARAGRAPH. To
- 10 provide for equipment replace-
- 11 ment and upgrading in all
- 12 merged area schools on a pro-
- 13 rated basis consistent with
- 14 past allocations made from
- 15 equipment inventory listings . . . \$ \$ 1,850,000".
- 16 2. By numbering and renumbering sections and
- 17 correcting internal references as necessary.

CONNOLLY of Dubuque

H—5966

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 32, by striking line 26 and inserting
- 4 in lieu thereof "16,639,864".

CHIODO of Polk

H—5967

- 1 Amend Senate File 2304, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 31, by inserting after line 11, the
- 4 following:
- 5 "Sec. . Acts of the Sixty-ninth General
- 6 Assembly, 1981 Session, chapter 12, section 7, is
- 7 amended by adding the following new subsection:
- 8 NEW SUBSECTION. Of the funds appropriated by
- 9 subsection 1 for the fiscal year beginning July 1,
- 10 1982, the Iowa development commission shall allocate
- 11 a sum not exceeding sixty-seven thousand five
- 12 hundred (67,500) dollars for one-stop permitting
- 13 and high risk capital clearinghouse."

SWARTZ of Marshall

H-5968

- 1 Amend amendment H-5960, to Senate File 2304 as
 2 amended, passed and reprinted by the Senate as follows:
 3 1. Page 1, line 5, by inserting after the word
 4 "fish" the words "or hunt".

SPEAR of Lee

H-5969

- 1 Amend Senate File 2304, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 17, by inserting after line 21 the
 4 following:
 5 "Sec. . Acts of the Sixty-ninth General
 6 Assembly, 1981 Session, chapter 8, section 9,
 7 subsection 3, is amended by adding the following new
 8 paragraph:
 9 NEW PARAGRAPH. Planning
 10 For planning for
 11 veterinary medicine clinic
 12 conversion for use by
 13 industrial education\$ \$ 200,000".
 14 2. By numbering and renumbering sections and
 15 correcting internal references as necessary.

GROTH of Buena Vista

H-5970

- 1 Amend Senate File 2304, as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 17, by inserting after line 21 the
 4 following:
 5 "Sec. . Acts of the Sixty-ninth General
 6 Assembly, 1981 Session, chapter 8, section 9,
 7 subsection 3, paragraph c, is amended to read as
 8 follows:
 9 c. Cooperative extension
 10 service in agriculture and home
 11 economics
 12 For salaries, support,
 13 maintenance, and miscellaneous
 14 purposes\$ 8,048,331 \$ 8,436,406
 15 8,646,406
 16 It is the intent of the general assembly that from
 17 funds appropriated in this paragraph, two hundred
 18 ten thousand (210,000) dollars shall be expended
 19 during the fiscal year beginning July 1, 1982 and
 20 ending June 30, 1983 to match federal funds to be

- 21 used to fund the center for industrial research and
 22 services."
 23 2. By numbering and renumbering sections and
 24 correcting internal references as necessary.

GROTH of Buena Vista

H-5971

- 1 Amend Senate File 2304 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 39, by inserting after line 2 the
 4 following:
 5 "Sec. . Acts of the Sixty-ninth General
 6 Assembly, 1981 Session, chapter 9, section 1,
 7 subsections 1 through 5, are amended to read as
 8 follows:

	1981-1982 Fiscal Year	1982-1983 Fiscal Year
11 1. DEPARTMENT OF AGRICULTURE		
12 Salary for the secretary of ag-		
13 riculture	\$ 35,600	\$ <u>38,500</u> 37,000
14		
15 2. OFFICE OF THE ATTORNEY		
16 GENERAL		
17 Salary of the attorney general	\$ 47,000	\$ <u>50,700</u> 48,900
18		
19 3. OFFICE OF THE AUDITOR		
20 OF STATE		
21 Salary of the auditor of state	\$ 35,600	\$ <u>38,500</u> 37,000
22		
23 4. OFFICE OF THE SECRETARY		
24 OF STATE		
25 Salary of the secretary of state	\$ 35,600	\$ <u>38,500</u> 37,000
26		
27 5. OFFICE OF THE TREASURER		
28 OF STATE		
29 Salary of the treasurer of state	\$ 35,600	\$ <u>38,500</u> 37,000
30		
31 Sec. . Acts of the Sixty-ninth General Assembly,		
32 1981 Session, chapter 9, section 2, subsections 1		
33 through 8, are amended to read as follows:		
34	1981-1982	1982-1983
35	Fiscal Year	Fiscal Year
36 1. Chief justice of the		
37 supreme court	\$ 57,900	\$ <u>62,100</u> 60,200
38		
39 2. Each justice of the		
40 supreme court	\$ 52,900	\$ <u>57,100</u> 55,000
41		

42	3. Chief judge of the court			
43	of appeals	\$	51,300	\$ 55,400
44				<u>53,400</u>
45	4. Each associate judge of			
46	the court of appeals	\$	50,200	\$ 54,200
47				<u>52,200</u>
48	5. Each chief judge of a			
49	judicial district	\$	49,100	\$ 53,000
50				<u>51,100</u>

Page 2

1	6. Each district court judge			
2	except the chief judge of a			
3	judicial district	\$	47,000	\$ 50,700
4				<u>48,900</u>
5	7. Each district associate			
6	judge	\$	38,900	\$ 42,000
7				<u>40,500</u>
8	8. Each part-time judicial			
9	magistrate	\$	10,800	\$ 11,700
10				<u>11,200</u>

11 Sec. . Acts of the Sixty-ninth General Assembly,
 12 1981 Session, chapter 9, section 3, is amended to
 13 read as follows:

14 SEC. 3. There is appropri-
 15 ated from the general fund of
 16 the state for each fiscal year
 17 of the fiscal biennium begin-
 18 ning July 1, 1981, and ending
 19 June 30, 1983, the following
 20 amounts, or so much thereof as
 21 is necessary, to be used to
 22 fund increases in judicial sal-
 23 aries as provided in section 2
 24 of this Act and for the state's
 25 contribution to the judicial
 26 retirement system provided for
 27 in chapter 605A required because
 28 of the increased salaries

1981-1982	1982-1983
<u>Fiscal Year</u>	<u>Fiscal Year</u>
\$ 649,750	\$ 1,360,250
	<u>1,000,000</u>

32 Sec. . Acts of the Sixty-ninth General Assembly,
 33 1981 Session, chapter 9, section 4, subsections 1
 34 and 2, are amended to read as follows:

35		1981-1982	1982-1983
36		<u>Fiscal Year</u>	<u>Fiscal Year</u>
37	1. Chairperson of the public		
38	employment relations board	\$ 36,800	\$ 39,750
39			<u>38,300</u>

40 2. Two members of the public
 41 employment relations board, each \$ 34,100 \$ 36,800
 42 35,500
 43 Sec. . Acts of the Sixty-ninth General Assembly,
 44 1981 Session, chapter 9, section 7, subsection 2,
 45 is amended to read as follows:
 46 2. For the fiscal year beginning July 1, 1982,
 47 and subsequent fiscal years until otherwise provided
 48 by the general assembly if a person is in:
 49 a. Range one, the person shall receive a salary
 50 of not less than five thousand eight six hundred

Page 3

1 ~~(5,800)~~ (5,600) dollars or more than ~~seventeen~~ sixteen
 2 ~~thousand five nine~~ hundred ~~(17,500)~~ (16,900) dollars.
 3 b. Range two, the person shall receive a salary
 4 of not less than ~~twenty-one~~ twenty thousand ~~(21,000)~~
 5 two hundred (20,200) dollars or more than ~~thirty-five~~
 6 thirty-three thousand ~~(35,000)~~ seven hundred (33,700)
 7 dollars.
 8 c. Range three, the person shall receive a salary
 9 of not less than ~~twenty-nine~~ twenty-eight thousand
 10 ~~two one~~ hundred ~~(29,200)~~ (28,100) dollars or more
 11 than ~~forty thirty-nine~~ thousand eight three hundred
 12 ~~(40,800)~~ (39,300) dollars.
 13 d. Range four, the person shall receive a salary
 14 of not less than ~~thirty-five~~ thirty-three thousand
 15 ~~(35,000)~~ seven hundred (33,700) dollars or more than
 16 ~~forty-six~~ forty-four thousand seven nine hundred
 17 ~~(46,700)~~ (44,900) dollars.
 18 e. Range five, the person shall receive a salary
 19 of not less than ~~forty thirty-nine~~ thousand eight
 20 three hundred ~~(40,000)~~ (39,300) dollars or more than
 21 ~~fifty-two~~ fifty thousand five hundred ~~(52,500)~~ (50,500)
 22 dollars.
 23 Sec. . Acts of the Sixty-ninth General Assembly,
 24 1981 Session, chapter 9, section 14, subsection 1,
 25 paragraph b, is amended to read as follows:
 26 b. For the fiscal year beginning July 1, 1982,
 27 ~~\$86,999,000~~ 65,419,000.
 28 Sec. . Acts of the Sixty-ninth General Assembly,
 29 1981 Session, chapter 9, section 15, subsection 1,
 30 paragraph b, is amended to read as follows:
 31 b. For the fiscal year beginning July 1, 1982,
 32 ~~\$1,465,000~~ 1,100,000.
 33 Sec. . Acts of the Sixty-ninth General Assembly,
 34 1981 Session, chapter 9, section 16, subsection 1,
 35 paragraph b, is amended to read as follows:
 36 b. For the fiscal year beginning July 1, 1982,
 37 ~~\$13,780,000~~ 10,502,000.

38 Sec. . Acts of the Sixty-ninth General Assembly,
39 1981 Session, chapter 9, section 19, subsection 1,
40 is amended to read as follows:

41 1. The merit system pay plan and executive council
42 exempt pay plan provided for in section 19A.9,
43 subsection 2, as they exist for the fiscal years
44 ending June 30, 1981, and June 30, 1982, shall be
45 increased for employees who are not included in a
46 collective bargaining agreement made final under
47 chapter 20 by eight percent for the fiscal year
48 beginning July 1, 1981, effective with the pay period
49 beginning July 3, 1981, and by eight four percent
50 for the fiscal year beginning July 1, 1982, effective

Page 4

1 with the pay period beginning July 2, 1982. The merit
2 employment commission shall revise the merit system
3 pay plan and the governor shall revise the executive
4 council pay plan as provided under section 19A.9,
5 subsection 2, by increasing the salary levels for
6 the various grades and steps within the respective
7 plans by eight percent.

8 Sec. . Acts of the Sixty-ninth General Assembly,
9 1981 Session, chapter 9, section 19, subsection 4,
10 is amended to read as follows:

11 4. The appointing authority shall determine the
12 percentage increase for each professional and
13 managerial employee's salary provided for under this
14 section and may increase the salaries of the
15 professional and managerial employees by different
16 percentages, but the total percentage increase of
17 all salaries of the professional and managerial
18 employees under the appointing authority's
19 jurisdiction for the fiscal year beginning July 1,
20 1981, shall be eight percent of those salaries as
21 they exist on July 2, 1981, and for the fiscal year
22 beginning July 1, 1982, shall be eight four percent
23 of those salaries as they exist on July 1, 1982.
24 As used in this section, "professional and managerial
25 employee" means a professional employee as defined
26 in section 20.3, subsection 11 or a representative
27 of a public employer or supervisory employee as defined
28 in section 20.4, subsection 2.

29 Sec. . Acts of the Sixty-ninth General Assembly,
30 1981 Session, chapter 9, section 20, subsections 1
31 and 2, are amended to read as follows:

32 1. The amount necessary to fund in each fiscal
33 year the fiscal year beginning July 1, 1982 and ending
34 June 30, 1983 an average base salary increase of eight
35 four percent of base salaries of faculty members and

36 professional and scientific staff members, except
 37 board office employees, paid during the preceding
 38 fiscal year ending June 30, 1982, to be allocated
 39 to faculty members and professional and scientific
 40 staff members at the discretion of the state board
 41 of regents.

42 2. For employees under the state board of regents'
 43 merit system who are not included in the collective
 44 bargaining agreement made final under chapter 20,
 45 except board office employees, the amount necessary
 46 to increase the state board of regents' merit pay
 47 plan as the pay plan exists for the fiscal years year
 48 ending June 30, 1981, and June 30, 1982, by increasing
 49 the salary levels for each grade and step within the
 50 plan by eight four percent for the fiscal year

Page 5

1 beginning July 1, 1981, and eight percent for the
 2 fiscal year beginning July 1, 1982 and ending June
 3 30, 1983.

4 Sec. . Acts of the Sixty-ninth General Assembly,
 5 1981 Session, chapter 9, section 26, subsection 1,
 6 unnumbered paragraph 1, is amended to read as follows:

7 To the merged areas as de-

8 fined in section 280A.2	\$ 3,320,000	\$ 6,803,000
9		<u>5,061,500</u>

10 Sec. . Acts of the Sixty-ninth General Assembly,
 11 1981 Session, chapter 9, section 26, subsection 2,
 12 unnumbered paragraph 1, is amended to read as follows:

13 To the judicial district

14 departments of correctional
 15 services as defined in section

16 905.2	\$ 597,000	\$ 1,222,000
17		<u>909,500</u>

18 Sec. . Acts of the Sixty-ninth General Assembly,
 19 1981 Session, chapter 9, section 26, subsection 5,
 20 unnumbered paragraph 1, is amended to read as follows:

21 To local boards of health

22 receiving in-home health care

23 grants	\$ 230,000	\$ 471,000
24		<u>350,500</u>

25 Sec. . Acts of the Sixty-ninth General Assembly,
 26 1981 Session, chapter 9, section 28, subsection 1,
 27 paragraph b, is amended to read as follows:

28 b. For the fiscal year beginning July 1, 1982,
 29 \$209,668 155,902.

30 Sec. . Section 605.8, subsection 1, Code 1981,
 31 as amended by Acts of the Sixty-ninth General Assembly,
 32 1981 Session, chapter 9, section 29, is amended by
 33 striking the subsection and inserting in lieu thereof
 34 the following:

35 1. Each full-time shorthand reporter of the
36 district court shall be paid an annual salary as
37 established by the supreme court based on the
38 reporter's experience, of not less than fifteen
39 thousand four hundred fifty dollars or more than
40 twenty-three thousand nine hundred fifty dollars.

41 Sec. . Section 685.1, Code 1981, as amended
42 by Acts of the Sixty-ninth General Assembly, 1981
43 Session, chapter 9, section 9, is amended to read
44 as follows:

45 685.1 APPOINTMENT. The judges of the supreme
46 court shall appoint a clerk of the supreme court who
47 shall hold office for four years and until a successor
48 is appointed and qualifies. The judges of the supreme
49 court shall set the salary of the clerk of the supreme
50 court which salary shall not be less than twenty-one

Page 6

1 thousand six hundred dollars or more than thirty-two
2 thousand four hundred dollars annually for the fiscal
3 year beginning July 1, 1981, and not less than twenty-
4 three twenty-two thousand three five hundred or more
5 than thirty-five thirty-three thousand seven hundred
6 dollars annually for the fiscal year beginning July
7 1, 1982, and subsequent fiscal years until otherwise
8 provided by the general assembly. In case a vacancy
9 occurs, the vacancy shall be filled by appointment
10 for the unexpired portion of the term only.

11 Sec. . Section 685.6, unnumbered paragraph
12 2, Code 1981, as amended by Acts of the Sixty-ninth
13 General Assembly, 1981 Session, chapter 9, section
14 10, is amended to read as follows:

15 The court shall fix the compensation of the
16 administrator, deputy administrator, and research
17 director and the employees of the office. The salary
18 of the administrator, deputy administrator, and
19 research director shall be set at a rate of not less
20 than twenty-seven thousand dollars or more than thirty-
21 seven thousand eight hundred dollars annually for
22 the fiscal year beginning July 1, 1981, and not less
23 than twenty-nine twenty-eight thousand two one hundred
24 dollars or more than forty thirty-nine thousand eight
25 three hundred dollars annually for the fiscal year
26 beginning July 1, 1982, and subsequent fiscal years
27 until otherwise provided by the general assembly.
28 The supreme court is authorized to accept federal
29 funds to supplement the funds appropriated to the
30 court.

31 Sec. . Section 685.7, Code 1981, as amended
32 by Acts of the Sixty-ninth General Assembly, 1981

33 Session, chapter 9, section 11, is amended to read
 34 as follows:
 35 685.7 ASSISTANTS. The court administrator, with
 36 the approval of the supreme court, shall appoint and
 37 set the salaries of assistants as are necessary to
 38 perform the powers and duties vested in the court
 39 administrator. The salaries of the assistants, except
 40 the court fiscal director, shall be set at a rate
 41 of not less than sixteen thousand two hundred or more
 42 than twenty-seven thousand dollars annually for the
 43 fiscal year beginning July 1, 1981, and not less than
 44 seventeen sixteen thousand five eight hundred dollars
 45 or more than twenty-nine twenty-eight thousand two
 46 one hundred dollars annually for the fiscal year
 47 beginning July 1, 1982, and subsequent fiscal years
 48 until otherwise provided by the general assembly.
 49 The court fiscal director shall receive a salary at
 50 a rate of not less than twenty-one thousand six hundred

Page 7

1 dollars or more than thirty-two thousand four hundred
 2 dollars for the fiscal year beginning July 1, 1981,
 3 and not less than twenty-three twenty-two thousand
 4 three five hundred dollars or more than thirty-five
 5 thirty-three thousand seven hundred dollars for the
 6 fiscal year beginning July 1, 1982 and subsequent
 7 fiscal years until otherwise provided by the general
 8 assembly. While holding the position, neither the
 9 court administrator nor assistants shall practice
 10 law in any of the courts of this state."

11 2. By numbering sections to conform to this amend-
 12 ment.

JOHNSON of Linn
 COOK of Hardin
 ANDERSON of Audubon
 WELDEN of Hardin
 MAULSBY of Calhoun
 RENKEN of Grundy

HARBOR of Mills
 TYRRELL of Iowa
 GROSS of Ringgold
 STUELAND of Clinton
 SMALLEY of Polk
 BRANSTAD of Winnebago
 PELLETT of Cass

H-5974

1 Amend Senate File 2304 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 18, by striking lines 22 through 26, and
 4 inserting in lieu thereof the following: "1981 and
 5 ending June 30, 1982 and to four million six hundred
 6 fifty thousand nine hundred (4,650,900) dollars for
 7 the fiscal year beginning July 1, 1982 and ending
 8 June 30, 1983."

CONNOLLY of Dubuque

H-5975

1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 57, by inserting after line 24 the following:

4 "Sec. . Section 306.4, subsection 4, para-
5 graph a, Code 1981, is amended to read as follows:

6 a. The department and the controlling agency
7 shall have concurrent jurisdiction over any road
8 which is an extension of a primary or secondary
9 road and which both enters and exits from the state
10 land at separate points. The department may expend
11 the moneys available for such roads in the same
12 manner as the department expends such funds on other
13 roads over which the department exercises juris-
14 diction and control. The parties exercising
15 concurrent jurisdiction may enter into agreements
16 with each other as to the kind and type of
17 construction, reconstruction, repair and maintenance
18 and the division of costs thereof. In the absence
19 of such agreement the jurisdiction and control of
20 such road shall remain in the department.
21 Sec. . Section 306.4, subsection 4, para-
22 graph b, Code 1981, is repealed."

AVENSON of Fayette

H-5976

1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 8 the
4 following:

5 "Sec. . Acts of the Sixty-ninth General
6 Assembly, 1981 Session, chapter 8, section 8, is
7 amended by adding the following new subsection:

8 **NEW SUBSECTION. ENVIRONMENTAL**
9 **AND CONSERVATION EDUCATION**

10 For the purpose of developing
11 and disseminating Iowa-developing
12 environmental and conservation
13 education materials. \$ \$ 75,000".

14 2. By numbering and renumbering sections and
15 correcting internal references as necessary.

CONNOLLY of Dubuque

H—5977

- 1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 16, by inserting after line 8 the
4 following:
5 "Sec. . Acts of the Sixty-ninth General
6 Assembly, 1981 Session, chapter 8, section 8,
7 subsection 10, is amended by adding the following
8 new paragraph:
9 NEW PARAGRAPH. To fund new
10 programs and additional sections
11 of current programs to be allocated
12 on the basis of priorities
13 established through needs surveys
14 of labor demand and to meet needs
15 of students who cannot now be
16 accommodated in current programs. \$ \$1,000,000".
17 2. By numbering and renumbering sections and
18 correcting internal references as necessary.

CONNOLLY of Dubuque

H—5978

- 1 Amend Senate File 2304 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 4, by inserting after line 32 the
4 following:
5 "Sec. . The department of social services shall
6 use inmate labor for repair, rebuilding, or
7 construction relating to the capital improvements
8 under section 7 of this Act and at other correctional
9 institutions."
10 2. By renumbering as necessary.

TYRRELL of Iowa

H—5981

- 1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate as follows:
3 Page 38, by striking lines 19 through 23 and
4 inserting in lieu thereof the following:
5 "1. The legislative service bureau shall conduct
6 a study of the effect of the loss of federal funds
7 on the legal services provided by the legal services
8 corporation. In the conduct of the study the
9 legislative service bureau shall consult with the
10 following persons including but not limited to the
11 supreme court, the court administrator of the judicial

12 department, and representatives of the Iowa bar
13 association, the legal services corporation of Iowa,
14 and the legal aid society of Polk county. The study
15 shall include but not be limited to the following:"

16 2. Page 38, line 30 by striking the words "office
17 of the governor" and inserting in lieu thereof the
18 words "legislative service bureau".

19 3. Page 38, line 34 by striking the words "office
20 of the governor" and inserting in lieu thereof the
21 words "legislative service bureau".

ANDERSON of Jasper

H-5982

1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 35, by striking line 17 and inserting
4 in lieu thereof the following:
5 "house\$ \$ 121,800"

6 2. Page 35, by striking lines 23 through 26 and
7 inserting in lieu thereof the words "February, 1982."

ARNOULD of Scott

H-5984

1 Amend House Concurrent Resolution 150 as follows:

2 1. Page 1, line 28, by striking the word "repeals"
3 and inserting in lieu thereof the words "reinforce
4 its support for".

5 2. Page 1, line 29, by striking the word
6 "withdrawn" and inserting in lieu thereof the word
7 "restated".

TYRRELL of Iowa

H-5985

1 Amend House Concurrent Resolution 150 as follows:

2 1. Page 1, line 24, by striking the word "not".

TYRRELL of Iowa

H-5986

1 Amend House Concurrent Resolution 150 as follows:

2 1. Page 1, line 22, by inserting after the word
3 "budget" the words "even though past experience proves
4 this to be a false belief".

TYRRELL of Iowa

H-5987

1 Amend Senate File 2304, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 31, line 4, by striking the words "sub-
4 section 1, is" and inserting in lieu thereof the words
5 "subsections 1 and 3, are".

6 2. Page 31, by inserting after line 11 the
7 following paragraph:

8 "3. It is the intent of the general assembly that
9 the Iowa development commission shall ~~operate actively~~
10 solicit benefited industries and firms for voluntary
11 donations to support at least thirty percent of the
12 annual cost of the international office within the
13 funds approved for the commission. The commission
14 shall report on the success of soliciting donations
15 for the international office to the committee on
16 appropriations by January 1, 1983."

ARNOULD of Scott

H-5989

1 Amend Senate File 2304, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 7 through 9 and
4 inserting in lieu thereof the following:
5 "Mitchellville."

AVENSON of Fayette

H-5990

1 Amend Senate File 2304 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 8 and 9, and inserting
4 in lieu thereof the following: "work camp may serve as
5 the primary minimum security correctional work camp if
6 so designated by the department of social services."

AVENSON of Fayette

H-5994

1 Amend Senate File 2304 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 39, by striking line 31 and inserting
4 in lieu thereof the figure "14,500,000".

O'KANE of Woodbury

H-5998

1 Amend Senate File 2304 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 16, by inserting after line 8 the
4 following:

5 "Sec. . . Section 280A.35, unnumbered paragraph
6 1, Code 1981, is amended to read as follows:

7 A merged area may not purchase land which will
8 increase the aggregate of land owned by such the
9 merged area, excluding land which has been or may
10 be acquired by donation or gift, by more than three
11 hundred twenty acres without the approval of the state
12 board. Such The limitation shall does not apply to
13 a merged areas area owning more than three hundred
14 twenty acres, excluding land acquired by donation
15 or gift, prior to January 1, 1969."

16 2. By numbering and renumbering sections and
17 correcting internal references as necessary.

HORN of Linn

H-6000

1 Amend House File 2496 as follows:

2 1. Page 1, line 3, by striking the word "CORN"
3 and inserting in lieu thereof the words "GRAIN AND
4 SOYBEAN".

5 2. Page 1, line 5, by inserting after the word
6 "facilities" the words "including, but not limited
7 to, the aerating and grain or soybean drying
8 equipment".

9 3. Page 1, line 7, by striking the word "corn"
10 and inserting in lieu thereof the words "grain or
11 soybeans".

12 4. Page 1, line 15, by striking the word "corn".

13 5. Page 1, line 18, by striking the word "corn"
14 and inserting in lieu thereof the words "grain or
15 soybean".

16 6. Page 1, line 18, by inserting after the word
17 "facilities" the words "including, but not limited
18 to, the aerating and grain or soybean drying
19 equipment".

20 7. Page 1, line 31, by striking the word "corn".

21 8. Page 1, line 32, by striking the word "corn"
22 and inserting in lieu thereof the words "grain or
23 soybeans".

24 9. Page 2, line 1, by striking the word "corn"
25 and inserting in lieu thereof the words "grain or
26 soybean".

27 10. Page 2, line 1, by inserting after the word
28 "facility" the words "including, but not limited to,
29 the aerating and grain or soybean drying equipment".

30 11. Page 2, line 3, by striking the word "corn"
31 and inserting in lieu thereof the word "grain or
32 soybean".

33 12. Page 2, line 3, by inserting after the word
34 "facilities" the words "including, but not limited
35 to, the aerating and grain or soybean drying
36 equipment".

37 13. Page 3, line 35, by striking the word "corn"
38 and inserting in lieu thereof the words "grain or
39 soybean".

40 14. Page 3, line 35, by inserting after the word
41 "facilities" the words "including, but not limited
42 to, the aerating and grain or soybean drying
43 equipment".

44 15. Page 4, line 17, by striking the word "corn".

45 16. Page 4, line 18, by inserting after the word
46 "grain" the words "and soybean".

47 17. Page 4, line 22, by striking the word "corn"
48 and inserting in lieu thereof the words "grain and
49 soybean".

50 18. Page 4, line 34, by striking the word "corn"

Page 2

1 and inserting in lieu thereof the words "grain or
2 soybean".

3 19. Page 4, line 34, by inserting after the word
4 "facilities" the words "including, but not limited
5 to, the aerating and grain or soybean drying
6 equipment".

7 20. Page 5, line 34, by striking the word "corn"
8 and inserting in lieu thereof the words "grain and
9 soybean".

10 21. Title page, line 1, by striking the word
11 "corn" and inserting in lieu thereof the words "grain
12 and soybean".

SCHROEDER of Pottawattamie

H-6016

1 Amend Senate File 2304 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 57, lines 3 and 4, by striking the words
4 "hospital reimbursements based on a prospective
5 basis,".

DAVITT of Warren

H-6022

- 1 Amend House File 2496 as follows:
- 2 1. Page 6, by inserting after line 3 the following:
- 3 "Sec. . There is appropriated to the Iowa
- 4 housing finance authority for the fiscal year beginning
- 5 July 1, 1982 the sum of twenty-five thousand (25,000)
- 6 dollars for the purpose of program planning,
- 7 development, and feasibility analysis, including
- 8 payments for employment of bond counsel, for the
- 9 storage facility loan program to be established
- 10 pursuant to section 1 of this Act."
- 11 2. Title page, line 5, by inserting after the
- 12 word "amendments," the words "making an
- 13 appropriation,".

KREWSON of Polk

H-6023

- 1 Amend House File 2496 as follows:
- 2 1. Page 3, by inserting after line 24 the
- 3 following:
- 4 " . The storage facilities loan program
- 5 established pursuant to subsection 1 shall expire
- 6 on July 1, 1983. However all contracts, loans and
- 7 agreements entered into and bonds or notes issued
- 8 by the authority before July 1, 1983 shall remain
- 9 valid until such time as the contracts or agreements
- 10 are fulfilled and the loans, bonds, or notes are
- 11 repaid."

KREWSON of Polk

H-6024

- 1 Amend the amendment, H-5991, to Senate File 2304
- 2 as follows:
- 3 1. Page 2, line 36, by striking the word "The".
- 4 2. Page 2, by striking lines 37 through 40.

JOCHUM of Dubuque

H-6025

- 1 Amend Senate File 2304 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 56, by inserting after line 34 the
- 4 following:
- 5 "Sec. . NEW SECTION. ATTORNEY FEES FOR CHILD
- 6 SUPPORT ENFORCEMENT. The court, in its discretion,

- 7 may award a reasonable attorney's fee in favor of
8 a prevailing party and against an opposing party in
9 a court proceeding to establish or enforce a child
10 support obligation under but not limited to chapters
11 239, 252A, 252B, 598, and 675, unless the award is
12 unjust under the circumstances. However, the court
13 shall not award the attorney's fees to an attorney
14 employed by the attorney general's office."
15 2. By renumbering as necessary.

JOCHUM of Dubuque

H-6026

- 1 Amend House Concurrent Resolution 150 as follows:
2 1. Page 2, by inserting after line 2 the following:
3 "*Be It Further Resolved*, That this resolution
4 becomes effective only if the federal budget is in
5 balance for four consecutive years."

SCHNEKLOTH of Scott
LAGESCHULTE of Bremer

H-6032

- 1 Amend Senate File 2304, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 59, by inserting after line 5 the following
4 new section:
5 "Sec. . If the appropriations made by this
6 Act create a general fund balance that results in
7 the state comptroller having to delay or consider
8 delaying making any payments authorized by this Act,
9 or any other Act making appropriations, the state
10 comptroller shall make a monthly report to members
11 of the general assembly relating to the fiscal
12 condition of the state and the report shall include,
13 but not be limited to, the revenue growth for the
14 previous month, and the general fund balance, which
15 shall reflect the total general fund obligations not
16 satisfied at the end of the month."
17 2. Renumbering as required.

WELDEN of Hardin

H-6033

- 1 Amend House Concurrent Resolution 150 as follows:
2 1. Page 1, line 9, by striking the word
3 "perilously".
4 2. Page 1, line 19, by striking the word "and"

5 and inserting in lieu thereof the words "*Now*
6 *Therefore*,".

7 3. By striking page 1, line 20, through page 2,
8 line 2 and inserting in lieu thereof the following:

9 "*Be It Resolved by the House of Representatives,*
10 *the Senate Concurring,* That the Iowa General Assembly
11 hereby urges Congress to pass a constitutional amend-
12 ment requiring a balanced federal budget, thereby
13 eliminating the necessity of calling a constitutional
14 convention; and".

DANKER of Pottawattamie
HARBOR of Mills
HALVORSON of Clayton

H-6034

1 Amend House Concurrent Resolution 150 as follows:

2 1. Page 1, by inserting after line 22 the
3 following:

4 "*Whereas*, the members of Iowa's Republican
5 delegation to the United States Congress have con-
6 cluded that Congress is unable to consistently
7 balance the federal budget and have cosponsored
8 proposed constitutional amendments to require
9 federal balanced budgets and to limit federal spending;
10 and".

DANKER of Pottawattamie
HARBOR of Mills
HALVORSON of Clayton

H-6035

1 Amend House Concurrent Resolution 150 as follows:

2 1. Page 1, by striking lines 28 and 29 and
3 inserting in lieu thereof the following: "reaffirms
4 its call to Congress to adopt a proposed amendment to
5 the United States Constitution requiring a federal
6 balanced budget except in emergency circumstances;
7 and".

DANKER of Pottawattamie
HARBOR of Mills
HALVORSON of Clayton

H-6036

1 Amend House Concurrent Resolution 150 as follows:

2 1. Page 2, by inserting after line 2 the following:
3 "*Be It Further Resolved*, That this resolution
4 becomes effective only if the federal budget is in
5 balance for four consecutive years; and"

DANKER of Pottawattamie

H-6037

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by striking lines 8 through 19.

SCHNEKLOTH of Scott

H-6038

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Whereas, the yearly interest on the current
- 5 national debt exceeds one hundred billion dollars;
- 6 and".

MAULSBY of Calhoun

H-6039

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Whereas, the national debt is in excess of an
- 5 astronomical trillion dollars and continues to grow
- 6 in leaps and bounds; and".

COOK of Hardin

H-6040

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Whereas, seldom in the past fifty years has the
- 5 Congress been able to balance the budget; and".

TYRRELL of Iowa

H-6041

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by striking lines 20 through 22 and
- 3 inserting in lieu thereof the following:
- 4 "Whereas, past Congresses have amassed huge
- 5 deficits year after year; and".

RENKEN of Grundy

H-6042

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Whereas, it is apparent the Congress is unable
- 5 to produce a balanced federal budget each year; and".

RENKEN of Grundy

H-6044

- 1 Amend House Concurrent Resolution 150 as follows:
- 2 1. Page 1, by inserting after line 22 the
- 3 following:
- 4 "Whereas, upon serious reflection, it is clear the
- 5 Congress of the United States has rarely been able
- 6 to balance the federal budget and appears to be
- 7 unable to annually balance the budget; and".

TYRRELL of Iowa

H-6049

- 1 Amend the amendment H-6026 to House Concurrent
- 2 Resolution 150 as follows:
- 3 1. Page 1, line 5, by striking the word "four"
- 4 and inserting in lieu thereof the word "fifty".

TYRRELL of Iowa

H-6050

- 1 Amend the amendment H-6026 to House Concurrent
- 2 Resolution 150 as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "years" the words "and if at least ten percent of
- 5 the federal deficit plus interest is repaid during
- 6 each of the four years".

TYRRELL of Iowa

H-6061

- 1 Amend Senate Concurrent Resolution 128 as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 4, line 11, by inserting after the word
- 4 "dollars" the words and figures "plus an additional
- 5 twenty-four million one hundred twenty-one thousand
- 6 (24,121,000) dollars".

- 7 2. Page 5, line 5, by inserting after the word
8 "dollars" the words and figures "plus an additional
9 twenty-four million one hundred twenty-one thousand
10 (24,121,000) dollars".
- 11 3. Page 5, line 17, by inserting after the word
12 "dollars" the words and figures "plus an additional
13 twenty-four million one hundred twenty-one thousand
14 (24,121,000) dollars".
- 15 4. Page 5, by inserting after line 26, the
16 following:
17 "Agronomy building
18 Cost of issuance of bonds".

JOHNSON of Linn
TYRRELL of Iowa
BRANSTAD of Winnebago

H-6064

- 1 \ Amend the Senate amendment, H-3828, to House File
2 804 as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. By striking page 1, line 3 through page 4,
5 line 3, and inserting in lieu thereof the following:
6 "1. Page 1, by striking line 1 through page 2,
7 line 7, and inserting in lieu thereof the following:
8 "Section 1. Section 18.2, unnumbered paragraph
9 1, Code 1981, is amended to read as follows:
10 There is created a department of general services
11 which shall be attached to the office of the governor
12 and shall be under the governor's general direction,
13 supervision, and control. The office shall be in
14 charge of a director, who shall be appointed by the
15 governor, subject to confirmation by the senate.
16 The director shall be employed on a permanent basis.
17 The director shall not hold any other office, engage
18 in any political activity, accept or solicit, directly
19 or indirectly, any political contributions, and shall
20 not use the office to support the candidacy of anyone
21 for elective or appointive office. The director shall
22 hold office at the governor's pleasure and shall
23 receive a salary at a rate fixed by the governor not
24 to exceed twenty-five thousand dollars per annum
25 general assembly. Before entering upon the discharge
26 of his or her the duties of the office, the director
27 may be required to give a surety bond in an amount
28 as fixed by the governor. The premium on the bond
29 shall be paid out of funds appropriated to the
30 department."
- 31 2. Page 2, by inserting after line 18 the
32 following:

33 "Sec. . Section 80.25, Code 1981, is amended
34 by striking the section and inserting in lieu thereof
35 the following:

36 80.25 BEER AND LIQUOR LAW ENFORCEMENT. The depart-
37 ment is the primary beer and liquor law enforcement
38 authority for the state."

39 3. Page 2, by inserting after line 27 the
40 following:

41 "Sec. . Section 86.9, unnumbered paragraph
42 1, Code 1981, is amended to read as follows:

43 The commissioner shall, at the time provided by
44 law, make a biennial report to the governor setting
45 forth in appropriate form the business and expense
46 of the office for the two preceding years, the number
47 of arbitrations and the results thereof, and such
48 other matters pertaining to his the office as may
49 be of public interest, together with any
50 recommendations for change or amendment of the laws

Page 2

1 as found in this chapter and chapters 85 and 87, and
2 such the recommendations, if any, shall be transmitted
3 by the governor to the first general assembly in
4 session thereafter."

5 4. Page 3, by striking lines 9 and 10.

6 5. Page 4, by inserting after line 19 the
7 following:

8 "Sec. . Section 123.14, Code 1981, is amended
9 to read as follows:

10 123.14 BEER AND LIQUOR LAW ENFORCEMENT.

11 1. The division of beer and liquor law enforcement
12 criminal investigation of the department of public
13 safety, created pursuant to section 80.25, shall be
14 is the primary beer and liquor law enforcement
15 authority for this state.

16 2. The other law enforcement divisions of the
17 department of public safety, the county attorney,
18 the county sheriff and his deputies, and the police
19 department of every city, including the day and night
20 marshal of any city, shall be and peace officers as
21 defined in section 801.4, subsection 7, paragraphs
22 a and b are supplementary aids to the division of
23 beer and liquor law enforcement criminal investigation
24 of the department of public safety in enforcement
25 of beer and liquor laws. Any neglect, misfeasance,
26 or malfeasance shown by any peace officer included
27 in this section shall be is sufficient cause for his
28 the peace officer's removal as provided by law.
29 Nothing in this This section shall be construed to
30 does not affect the duties and responsibilities of

31 any county attorney or peace officer with respect
32 to law enforcement.

33 3. The division of beer and liquor law enforcement
34 criminal investigation of the department of public
35 safety shall be allowed full access to all records,
36 reports, audits, tax reports and all other documents
37 and papers in the department pertaining to liquor
38 licensees and beer permittees and their business."

39 6. Page 11, by striking lines 2 through 16.

40 7. Page 12, by striking lines 11 through 22.

41 8. Page 15, by striking lines 5 through page 16,
42 line 3.

43 9. Page 18, by striking line 6, and inserting
44 in lieu thereof the following: "2 of the appendix
45 of forms."

46 10. Page 20, by striking lines 4 through 23 and
47 inserting in lieu thereof the following:

48 "Sec. . Section 427.3, subsection 4, Code 1981,
49 as amended by House File 833, section 1, enacted by
50 the Sixty-ninth General Assembly, 1982 Session, is

Page 3

1 amended to read as follows:

2 4. The property, not to exceed one thousand eight
3 hundred fifty-two dollars in taxable value of any
4 honorably separated, retired, furloughed to a reserve,
5 placed on inactive status, or discharged soldier,
6 sailor, marine, or nurse of the second World War from
7 December 7, 1941 to December 31, 1946, army of
8 occupation in Germany from November 12, 1918, to July
9 11, 1923, American expeditionary forces in Siberia
10 from November 12, 1918, to April 30, 1920, second
11 Nicaraguan campaign with the navy or marines in
12 Nicaragua or on combatant ships 1926-1933, second
13 Haitian ~~suppressions~~ suppression of insurrections
14 1919-1920, navy and marine operations in China 1937-
15 1939 and Yangtze service with navy and marines in
16 Shanghai or in the Yangtze Valley 1926-1927 and 1930-
17 1932 or of the Korean Conflict at any time between
18 June 25, 1950, and January 31, 1955, both dates
19 inclusive, or those who served on active duty during
20 the Vietnam Conflict beginning December 22, 1961,
21 and ending May 7, 1975, both dates inclusive, and
22 as defined in section 35C.2. For the purposes of
23 this section, "active duty" means full-time duty in
24 the armed forces of the United States, excluding
25 active duty for training purposes only and excluding
26 any period a person was assigned by the armed forces
27 to a civilian institution for a course of education
28 or training which was substantially the same as

29 established courses offered to civilians, or as a
 30 cadet or midshipman, however enrolled, at one of the
 31 service academies."

32 11. Page 26, by striking lines 26 through 31.

33 12. Page 27, by striking line 14, and inserting
 34 in lieu thereof the following: "you by the court."
 35 rules of civil procedure, form 3 of the appendix of
 36 forms."

37 13. Page 27, by inserting after line 14 the
 38 following:

39 "Sec. . Chapter 622, Code 1981, is amended
 40 by adding the following new section:

41 **NEW SECTION. FACSIMILES OF SIGNATURES.** Whenever
 42 a law of this state requires that the signature of a
 43 judge of the supreme court or court of appeals, or
 44 a district judge, district associate judge, magistrate,
 45 clerk of court, county attorney, certified shorthand
 46 reporter or law enforcement officer be affixed to
 47 any official writing or document, a facsimile of the
 48 person's signature may be placed on the writing or
 49 document by means of a rubber stamp or other method
 50 of reproduction and by the person whose signature

Page 4

1 is required or at the direction of the person whose
 2 signature is required in lieu of the actual signature
 3 of the person. A facsimile of the signature of any
 4 of these persons that is contained on an official
 5 writing or document shall be presumptive evidence
 6 of its validity."

7 14. By renumbering sections as necessary."

SCHROEDER of Pottawattamie

H-6068

1 Amend House File 2497 as amended and passed by
 2 the House, as follows:

3 1. Page 3, by inserting after line 25 the
 4 following:

5 "Sec. 4. Chapter 52, Code 1981, is amended by
 6 adding the following new section:

7 **NEW SECTION. PERIODIC TRANSFER OF ELECTRONIC**
 8 **BALLOTS.** The state commissioner of elections shall
 9 adopt rules under chapter 17A authorizing that at
 10 intervals throughout an election day ballots may be
 11 transferred to and tabulated by a counting center
 12 established under section 52.34, provided that results
 13 of a tabulation shall not be released prior to the
 14 closing of the polls.

15 Sec. 5. This Act, being deemed of immediate
16 importance, takes effect from and after its publication
17 in The Boone News-Republican, a newspaper published
18 in Boone, Iowa, and in the Muscatine Journal, a
19 newspaper published in Muscatine, Iowa."

20 2. Amend the title, line 1, by striking the words
21 "political candidacy" and inserting in lieu thereof
22 the words "elections, by requiring the state
23 commissioner of elections to adopt administrative
24 rules to allow ballots to be periodically transferred
25 to and tabulated by counting centers, and".

Senate Amendment

SUPPLEMENT TO THE HOUSE JOURNAL**BILLS AND RESOLUTION APPROVED, VETOED OR
ITEM VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills and resolution passed by the 1982 Regular Session of the Sixty-ninth General Assembly and which action was had subsequent to the date of final adjournment:

- H.F. 303— Relating to the registration of group day care home providers. Approved May 11, 1982.
- H.F. 748— Requiring the director of the division of adult corrections to provide available habilitative services and treatment to imprisoned mentally retarded offenders. Approved May 3, 1982.
- H.F. 777— Relating to assignments of instruments and accounts. Approved May 12, 1982.
- H.F. 796— Providing for the issuance of certain restricted licenses to persons between the ages of fourteen and eighteen. Approved May 12, 1982.
- H.F. 800— Relating to city housing codes under section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures. Disapproved May 21, 1982. See Governor's veto message.
- H.F. 828— To redefine the duties of the state historical department and to provide for the appointment of an executive director and a state historical board. Approved May 18, 1982.
- H.F. 844— Relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1, providing for a civil penalty, and providing for a January 1 effective date. Approved May 22, 1982.
- H.F. 855— Relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter. Disapproved May 14, 1982. See Governor's veto message.
- H.F. 858— Relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy. Approved May 3, 1982.
- H.F. 861— To authorize a person who is confined in a hospital or nursing care facility to qualify for claiming and authorize an executor or administrator of an estate to file a claim for the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date. Approved May 19, 1982.

- H.F. 2090— Relating to the hours of laboratory instruction required for completion of a driver education course. Approved May 7, 1982.
- H.F. 2111— Relating to murder by amending the penalty for the offense of attempted murder and murder in the second degree. Approved May 22, 1982.
- H.F. 2154— To legalize a conveyance of a parcel of abandoned road by the Guthrie County Board of Supervisors. Approved April 30, 1982.
- H.F. 2218— Relating to prearranged agreements for the final disposition of dead human bodies, and providing a penalty. Approved May 20, 1982.
- H.F. 2240— Relating to the notice and hearing requirements applicable to proceedings for the commitment of persons receiving treatment as outpatients under chapter 229. Approved May 7, 1982.
- H.F. 2250— To permit revision of the hours of operations and services required of businesses to qualify for gas, food, and lodging signs which are authorized by the federal government for use on the interstate or freeway primary road system. Approved May 19, 1982.
- H.F. 2334— Relating to railroad property by providing that before a railroad corporation or trustee of a railroad corporation may abandon or sell a railroad right-of-way or property adjacent to it, the corporation or trustee must offer to sell that property at fair market value to the lessees of that property, by providing that real property received by the railroad for the purpose of aiding in the construction, maintenance, and continued operation of its railway shall only be held as long as it is used for those purposes, by providing for the handling of disagreements between owners of certain buildings on present or former railroad property and a railroad's grantee or successor in interest, and making it effective upon publication. Approved May 21, 1982.
- H.F. 2339— To prohibit bail following conviction of, or a plea or verdict of guilty to, certain felonies. Approved May 14, 1982.
- H.F. 2340— To limit the criminal or civil liability of donors of perishable food to charitable or nonprofit organizations and the liability of the organizations. Approved May 10, 1982.
- H.F. 2344— Relating to the personal liability of volunteer fire fighters and rescue service operators who render emergency assistance. Approved May 14, 1982.
- H.F. 2346— Requiring the Code editor to amend certain words in the Code which designate one gender to reflect both genders where appropriate. Approved May 13, 1982.

- H.F. 2351— Relating to property tax by providing for exemptions for wetlands, recreational lakes, forest cover, forest reservations, rivers and streams, river and stream banks, wildlife habitats, native prairies, and open prairies, increasing the amount of acres to be exempted for certain organizations, and increasing the assessed value of fruit-tree and forest reservations. Approved May 11, 1982.
- H.F. 2353— To establish a regulatory information service in the Iowa development commission. Approved May 21, 1982.
- H.F. 2355— To exempt from the workers' compensation law named corporate officers after signing and filing an acceptance of exemption and agricultural employers whose total payroll to nonexempt employees is less than two thousand five hundred dollars. Approved May 10, 1982.
- H.F. 2357— To establish an Iowa advisory commission on intergovernmental relations. Approved May 13, 1982.
- H.F. 2360— To exempt wilderness campsites from the requirements of the department of health to furnish water, garbage, and sewage disposal facilities. Approved May 7, 1982.
- H.F. 2362— Relating to the penalty for failure to pay or remit ninety percent of tax for state motor vehicle fuel taxes, freight line and equipment car mileage taxes, income taxes, franchise taxes, inheritance and estate taxes, local hotel and motel taxes, and generation skipping transfer taxes, including provision for a variable interest rate for underpayment or overpayment on estimated payments of corporate income and franchise taxes, and making the act retroactive to January 1, 1982, effective upon publication. Approved May 3, 1982.
- H.F. 2363— Relating to the establishment of a soil conservation loan program by the Iowa family farm development authority, allowing the authority to issue its bonds and notes for the program, and making coordinating amendments. Approved May 13, 1982.
- H.F. 2365— Relating to the testimony of a husband or wife as a witness against the other. Approved April 30, 1982.
- H.F. 2368— Adding unpaid support payments and other related judgments as an additional class of debts of an estate given preference over payment of certain other debts and charges. Approved May 14, 1982.
- H.F. 2369— Relating to crimes resulting from the operation of motor vehicles under certain circumstances, including while the operator's drivers license is suspended and while under the influence of an alcoholic beverage or drug or with a certain amount of alcohol in the blood and the provisions for chemical testing, sentencing, penalties and license revocation relating to that offense. Approved May 11, 1982.

- H.F. 2393 — Creating a child abuse prevention program and a child abuse prevention program advisory council, providing an increase in certain fees, and providing an appropriation. Approved May 10, 1982.
- H.F. 2395 — Providing a refund or income tax credit of excise tax on motor fuel used to produce denatured alcohol within the state. Approved May 6, 1982.
- H.F. 2396 — Relating to the tax status of services rendered or furnished by private employment agencies under the state sales, services, and use tax. Approved May 6, 1982.
- H.F. 2398 — Relating to a penalty for taking certain game and fish in violation of law. Approved May 21, 1982.
- H.F. 2405 — To permit certain movements of implements of husbandry, without distance limitations, subject to certain safety rules. Approved May 14, 1982.
- H.F. 2407 — Related to the uniform limited partnership act. Approved May 6, 1982.
- H.F. 2409 — Relating to fire safety, and providing penalties. Approved May 6, 1982.
- H.F. 2411 — Eliminating the requirement that every merged area lease agreement be approved by the state board of public instruction, and requiring approval for only agreements that extend for more than ten years or agreements that are for over twenty-five thousand dollars per year. Approved May 7, 1982.
- H.F. 2420 — Relating to the authority of the state board of public instruction over a school district not maintaining twelve grades. Approved April 30, 1982.
- H.F. 2424 — To allow certain nonprofit corporations owning property in this state an extension of time to file for exemption from property taxes for certain tax years. Approved May 6, 1982.
- H.F. 2425 — Relating to the use of municipal sewage sludge as a fertilizer. Approved April 30, 1982.
- H.F. 2426 — Relating to the procedures for involuntary commitment or treatment of substance abusers. Approved May 21, 1982.
- H.F. 2430 — Adding mental health professionals and physician's assistants to the list of persons who are not required to disclose confidential communications in court proceedings. Approved May 17, 1982.
- H.F. 2435 — Relating to shooting ranges. Approved May 17, 1982.
- H.F. 2437 — To assure the continuation of human service programs delivered by community action agencies. Approved May 17, 1982.
- H.F. 2442 — Relating to custody of children upon dissolution of marriage. Approved May 17, 1982.

- H.F. 2446— To expand the allowable uses of state elderly services program funds to include elderly services approved by an area agency on aging. Approved May 10, 1982.
- H.F. 2453— Relating to the dollar limitation on the administration of certain small estates. Approved May 17, 1982.
- H.F. 2454— Relating to the refund of fees when a mobile home park license is denied, revoked, or suspended. Approved April 30, 1982.
- H.F. 2457— Relating to the disposition of fines and forfeited bail for violations of county ordinances. Approved April 30, 1982.
- H.F. 2460— Amending the juvenile justice code to allow children sixteen years of age or older under certain circumstances to waive representation by legal counsel when initially taken into custody, to allow oral court orders for temporary placements in shelter care or detention facilities, to add a cross-reference to a Code section containing conditions of release, to provide that complaints of serious offenses allegedly committed by children fourteen years of age or older are public records, to provide for victim restitution under informal adjustments and consent decrees, to allow notice of shelter care or detention hearings to be other than personal notice, to clarify that shelter care and detention notice and hearing requirements do not apply to temporary and emergency removals of children in need of assistance, to require delinquency adjudicatory hearings to be held within sixty days, to allow termination of child abuse investigations by the department of social services, to authorize the presence of a parent, guardian or custodian at a child's counseling session, to delay the automatic termination beyond the age of eighteen of certain dispositional orders, to provide for the removal of an alleged sexual offender from a child's household, to provide for inpatient examination under certain conditions prior to adjudication as a child in need of assistance, to allow the taking and filing of fingerprints and photographs of children in felony cases, to provide for the sealing of juvenile court and law enforcement records in certain cases involving serious offenses only if in the best interests of the child and the public, and to make nonsubstantive, technical changes in the juvenile justice code. Approved May 12, 1982.
- H.F. 2461— Relating to group insurance coverage for county extension office assistants. Approved May 11, 1982.
- H.F. 2463— To consolidate the management and regulation of water and air resources and waste by creating a department of water, air and waste management and a water, air and waste management commission; transferring to the department of water, air and waste management and the department of soil conservation the powers and duties of the Iowa natural resources council and the department of environmental quality and the powers and duties of the state department of health relating to private water systems and water wells and private sewage disposal systems; making corresponding amendments to the Code; and providing civil penalties for violations, and an effective date. Approved May 18, 1982.

- H.F. 2464 — Relating to the Iowa small business loan program. Approved May 19, 1982.
- H.F. 2465 — Correcting erroneous, inconsistent, or obsolete provisions of the Code. Approved April 30, 1982.
- H.F. 2469 — Relating to requirements of the state department of transportation and county officials with regard to secondary and farm-to-market highways. Approved April 30, 1982.
- H.F. 2474 — To provide that those provisions of the Economic Recovery Tax Act of 1981 which are effective for tax years ending on or after January 1, 1981 shall be applicable for computing Iowa net income for that same tax year, effective upon publication. Approved May 19, 1982.
- H.F. 2475 — Relating to the time the sales tax for the last semi-monthly period in a calendar quarter and the quarterly report are due and providing an effective date. Approved May 13, 1982.
- H.F. 2476 — Relating to the recording of automatic assignments to the department of social services of periodic support payments by recipients of public assistance. Approved May 19, 1982.
- H.F. 2477 — Appropriating federal funds made available from federal block grants, allocating portions of federal block grants, transferring funds between federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are consolidated or expanded. Approved May 21, 1982.
- H.F. 2478 — Relating to the issuance of bonds payable from the hotel and motel tax. Approved May 6, 1982.
- H.F. 2479 — To disallow the deduction of the federal windfall profits taxes in computing state corporate income taxes and making the act take effect upon publication retroactive to January 1, 1981. Approved May 19, 1982.
- H.F. 2482 — To appropriate federal funds received for federal fiscal year 1982 to the energy policy council effective upon publication. Approved May 19, 1982.
- H.F. 2483 — Relating to the applicability of the certificate of need program. Approved May 21, 1982.
- H.F. 2484 — Relating to mobile homes by providing that the semiannual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer, making coordinating amendments and providing a January 1 effective date. Approved May 21, 1982.

- H.F. 2485— To allow the driver of a motor vehicle carrying passengers for hire, the driver of a school bus, or the driver of a vehicle carrying hazardous materials to proceed through certain designated railroad crossings. Approved May 21, 1982.
- H.F. 2486— To provide that the income tax checkoff for the state fish and game protection fund is retroactive to January 1, 1982 for tax years beginning on or after that date. Approved May 21, 1982.
- H.F. 2489— To legalize the proceedings of the Estherville community school board relating to the sale of land. Approved May 22, 1982.
- H.F. 2490— Relating to funds deposited by public entities in banks or bank offices. Approved May 22, 1982.
- H.F. 2491— Relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa. Approved May 22, 1982.
- H.F. 2493— Relating to criminal justice programs by imposing a ten percent penalty assessment surcharge on certain fines and forfeitures, establishing a crime victim reparation program, striking certain references to a criminal justice improvement fund in acts of the Sixty-ninth General Assembly, 1981 Session, and making appropriations to certain departments for criminal justice programs, and a victim reparation program. Approved May 12, 1982.
- H.F. 2494— Appropriating funds to the state conservation commission for capital expenditures and land acquisition. Approved May 22, 1982.
- H.F. 2495— Relating to the direct deposit of tax revenues collected by the county treasurer on behalf of certain political subdivisions. Approved May 22, 1982.
- H.F. 2499— To legalize the proceedings of the City Council of the City of Mount Pleasant relating to the sale of property to the Henry county industrial development corporation. Approved May 10, 1982.
- H.J.R. 2003— Relating to the bequest of Glenn Grover Herrick to the state of Iowa and making an appropriation. Approved May 17, 1982.
- S.F. 256— Relating to the powers of credit unions as these relate to amendment of bylaws, reciprocity, amount to be loaned to a member, merger, and gifts to minors. Approved May 11, 1982.
- S.F. 260— To provide for the payment of reinstatement fees for motor vehicle licenses revoked or suspended under the nonresident violators compact. Approved April 30, 1982.

- S.F. 276 — Relating to the Iowa judicial system, and providing for the reorganization of judicial district five into three judicial election districts, and providing for the number of members to be appointed and elected to the state judicial nominating commission and providing a January 1 effective date. Disapproved May 19, 1982. See Governor's veto message.
- S.F. 312 — Providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years, and making certain provisions of the act retroactive. Approved April 30, 1982.
- S.F. 362 — Relating to the state sales, services and use tax by allowing retailers to provide their own tax exemption certificate, by requiring payments of use taxes to be applied first to accrued penalty and interest and by making corrective changes. Approved May 3, 1982.
- S.F. 367 — Relating to money or other compensation received by criminals as a result of the commission of crime. Approved May 19, 1982.
- S.F. 387 — Relating to raffles conducted by fairs and raffles and games other than bingo conducted by qualified organizations. Approved May 3, 1982.
- S.F. 396 — Relating to the platting and recording of resurveyed or subdivided land and providing a penalty. Approved April 30, 1982.
- S.F. 452 — Relating to private fish hatcheries. Approved May 10, 1982.
- S.F. 464 — Creating a criminal and juvenile justice planning agency and a criminal and juvenile justice advisory council, prescribing duties, transferring existing programs, and abolishing the Iowa crime commission. Approved May 21, 1982.
- S.F. 537 — To abolish the requirement for a premarital syphilis examination. Approved April 30, 1982.
- S.F. 539 — Relating to workers' compensation and providing a penalty. Approved May 3, 1982.
- S.F. 549 — Relating to the taxable status of property acquired in connection with the establishment, improvement, and maintenance of a public road and the collection of property taxes on the property. Approved May 3, 1982.
- S.F. 558 — To require the county auditor to round to the nearest even whole dollar the property tax bill for each property taxpayer. Approved April 30, 1982.
- S.F. 559 — Deleting the population requirement for counties to levy a tax for the operation, maintenance, and management of a health center. Approved May 3, 1982.

- S.F. 2046— Requiring cities, counties, and state agencies to consider leasing vacant facilities and buildings owned by public school corporations before leasing, purchasing, or constructing a facility or building and requiring a public school corporation to notify certain cities and counties and the department of general services of vacant facilities and buildings owned by the public school corporation. Approved May 14, 1982.
- S.F. 2100— Relating to the operation of motor carriers, truck operators, contract carriers, and liquid transport carriers by providing minimum liability limits for transporting hazardous materials and providing that drivers of those vehicles need a chauffeur's license but not necessarily an Iowa license. Approved April 30, 1982.
- S.F. 2146— To increase the state cost per pupil by six dollars for the school year beginning July 1, 1982, taking effect upon publication. Approved May 17, 1982.
- S.F. 2153— Relating to the state revenue regulations, sales, services and use taxes by exempting from the taxes sales by trade shops to printers of the end products of image modulation, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this act, and making it retroactive. Disapproved May 21, 1982. See Governor's veto message.
- S.F. 2178— Relating to the administration and benefits of public retirement systems. Approved May 22, 1982 with the exception of Section 12 and Section 23, Subsection b, numbered subparagraphs 1, 2, 3, and 4. See Governor's item veto message.
- S.F. 2186— Relating to the examination and appointment of deputy assessors. Approved April 30, 1982.
- S.F. 2190— Providing for an extended fiscal year beginning April 1, 1982, and ending June 30, 1983 for a special charter city to convert to the levy and assessment schedule of the other political subdivisions of the state and repealing special provisions in property tax laws which apply to special charter cities. Approved April 30, 1982.
- S.F. 2191— Relating to the employment of collection agencies for the collection of delinquent taxes administered by the department of revenue, and making an appropriation, effective upon publication. Approved May 11, 1982.
- S.F. 2192— Relating to prison industries by changing the membership of the prison industries advisory board, the use of the inmate maintenance employees' pay supplement revolving fund, and contracts with private industry. Approved April 30, 1982.
- S.F. 2193— Authorizing the payment of the salaries and expenses of bailiffs from the court expense fund. Approved May 6, 1982.

- S.F. 2195— Relating to financial transactions involving the payment of interest. Approved April 30, 1982.
- S.F. 2202— Relating to simulated controlled substances and imitation controlled substances, and to the forfeiture to the state of all things of value given or intended to be given in exchange for a controlled substance in violation of the controlled substances act, and providing penalties. Approved May 7, 1982.
- S.F. 2204— Relating to shorthand reporters appointed on an emergency or temporary basis. Approved May 21, 1982.
- S.F. 2212— Relating to fuel sales including the temperature of fuel sold. Approved May 10, 1982.
- S.F. 2213— To allow a county board of supervisors to merge benefited water districts into a single district. Approved May 11, 1982.
- S.F. 2215— To provide that the arrangements made under a collective bargaining agreement of state employees for the payment of monthly life or health insurance premiums from banked sick leave upon retirement also apply to the management and supervisory personnel of the employees covered by the agreement. Approved May 19, 1982.
- S.F. 2216— Relating to the duties of the office for planning and programming. Approved May 10, 1982.
- S.F. 2218— Relating to the uses of land in this state by requiring inventories by county organizations, authorizing agricultural land preservation ordinances, county land use plans and agricultural areas and providing for certain preferences and restrictions on certain proceedings and assessments. Approved May 14, 1982.
- S.F. 2221— Relating to the regulation of agricultural and vegetable seed, and relating to penalties. Approved May 12, 1982.
- S.F. 2231— Relating to the operation of certain motor vehicles on the public highways. Approved May 21, 1982.
- S.F. 2232— Relating to profiting from inmates held in custody and providing a penalty. Approved April 30, 1982.
- S.F. 2240— Repealing the statutes relating to certain appliances equipped with a pilot light. Approved May 6, 1982.
- S.F. 2245— Extending the operation of the department of substance abuse, striking the exemption of a program not receiving state dollars from inspections by the department, exempting certain county-financed programs which do not receive state funds from licensing, and providing for four types of licenses. Approved May 19, 1982.

- S.F. 2251 — Relating to natural gas as a special fuel and providing for the payment of the tax for the use thereof, requiring notice of changes in motor vehicle fuel type, requiring identification of vehicles using special fuels, and controlling the delivery of liquefied petroleum gas. Approved May 12, 1982.
- S.F. 2252 — Relating to audits of licensed substance abuse programs conducted by the auditor of state. Approved April 30, 1982.
- S.F. 2253 — Relating to the Iowa housing finance authority, effective upon publication. Approved May 7, 1982.
- S.F. 2280 — Relating to restitution by public offenders. Approved May 7, 1982.
- S.F. 2286 — Relating to the maintenance of permanent soil conservation practices established with public cost-sharing funds. Approved May 10, 1982.
- S.F. 2288 — Relating to the prepayment of premium taxes by insurance companies. Approved May 12, 1982.
- S.F. 2291 — To make the provisions of Acts of the Sixty-eighth General Assembly, 1979 Session, chapter 69, relating to the laying of water mains retroactive. Approved April 30, 1982.
- S.F. 2292 — Relating to the taxation of the use of certain optional service and maintenance contracts which provide for the furnishing of labor and materials for a fixed price. Approved May 13, 1982.
- S.F. 2293 — Relating to the apportionment of business income for corporate income tax purposes. Approved May 14, 1982.
- S.F. 2297 — Providing that an assessor shall not list a taxpayer's personal property if the assessor determines that the personal property valuation has not increased to an amount greater than the amount of the credit and the taxpayer has filed a claim for the credit. Approved May 7, 1982.
- S.F. 2298 — To legalize the action of the southeast Iowa regional planning commission allowing its employees to be optional members of the Iowa public employees' retirement system prior to October 1, 1981, effective upon publication. Approved May 19, 1982.
- S.F. 2300 — Relating to the regulation of financial institutions. Approved May 18, 1982.
- S.F. 2302 — To continue the one hundred percent budget guarantee of school districts for the school year commencing July 1, 1983. Approved May 17, 1982.
- S.F. 2303 — To legalize the proceedings of the Grinnell-Newburg community school district relating to the sale of certain property. Approved May 21, 1982.

- S.F. 2304— Relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983. Approved May 19, 1982 with the exception of a portion of Section 80, a portion of Section 86, Section 93 and Section 129. See Governor's item veto message.
- S.F. 2305— To allow a state individual income tax deduction to a taxpayer for expenses incurred for caring for a grandchild, child, parent, or grandparent of the taxpayer or the taxpayer's spouse in the home of the taxpayer with a January 1 effective date. Approved May 21, 1982.
- S.F. 2308— Authorizing two or more counties to establish a joint indigent defense fund. Approved May 21, 1982.
- S.F. 2309— Relating to the taxation of nonresidents and part-year residents under the state individual income tax law and making it retroactive. Approved May 13, 1982.
- S.F. 2312— Authorizing cities and counties to issue revenue bonds to finance the acquisition of grain and soybean storage facilities and making it effective upon publication. Approved May 11, 1982.

GOVERNOR'S VETO MESSAGES

May 21, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing House File 800, an act relating to city housing codes under Section 364.17 by making it optional to include a program of regular rental inspections as part of the city enforcement procedures, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

Presently, cities with a population of 15,000 or more are required to adopt housing codes which include minimum standards for rental housing units. Cities which adopt a code are also required to establish a housing code enforcement procedure. The enforcement procedure must include a program for regular rental inspections, rental inspections upon complaint and certification of inspected rental housing. (364.17 Code of Iowa)

House File 800 alters the present enforcement requirements by requiring inspection only upon complaint. A regular rental housing inspection program and the certification of inspected housing would no longer be required.

Prior to January 1, 1981, rental housing in cities of 15,000 residents or more was subject to standards detailed by state law (Chapter 413, Iowa Code). However, Chapter 413's failure to allow for local flexibility in setting minimum housing standards and its lack of a regular inspection program were apparently determined to be

flaws in the housing law. Therefore, in 1979 the Sixty-eighth General Assembly, repealed Chapter 413, and required the adoption of local housing codes and established the present regular inspection program.

House File 800's elimination of that regular inspection requirement gives rise to three reasons to disapprove the bill.

1. Regular inspection of rental housing units is an effective way to ensure the maintenance of safe and sanitary rental housing stock. A recent National Bureau of Standards study found that a regular inspection program is the most effective housing code enforcement tool. Indeed, there can be little doubt that regular inspections of rental housing units with the possibility of penalties for failure to comply act as an incentive to the maintenance of rental property.

Moreover, the costs of maintaining rental property in the condition needed to pass the regular inspections has apparently not resulted in a reduction of available low-rent housing. City officials have indicated that there have not been reports of a decline in available low-rent housing since the adoption of the regular inspection program.

Therefore, since the availability of safe and sanitary housing has been firmly established as state policy, the state has a responsibility to seek the implementation of that policy through the most effective means. A regular inspection program provides that means.

2. The present regular inspection requirement gives cities a substantial amount of enforcement flexibility. Specifically, city legal experts have indicated that "regular" is to be defined by the cities. City housing officials can thus determine the proper intervals between inspections and can set varying inspection intervals based on the type of rental housing. In so doing, local officials can concentrate their inspection efforts on the rental housing most susceptible to deferred maintenance. And, the cost of frequent inspections of properly maintained rental housing units can be avoided.

I am sensitive to the concerns of some of the owners of rental property who believe the regular inspection requirement results in inspections that are too frequent, costly or unnecessary. Nevertheless, concerns over the cost and frequency of inspections can be resolved at the local level within the flexibility allowed under the existing law.

3. A regular rental housing inspection program can act to reduce tensions between landlords and tenants, particularly in low-income neighborhoods. Under House File 800, a complaint would have to be filed before an inspection is required. Unfortunately, complaints can often spark friction between the landlord and the tenant. Evictions, charges of retaliatory eviction and litigation can often ensue.

A regular inspection system, by ensuring a properly maintained housing unit, can result in reduced complaints and thus ease the tension between the landlord and tenant. Indeed, preliminary figures for Des Moines show a sharply reduced landlord/tenant litigation rate since the regular inspection program became effective.

Therefore, in order to effectively ensure properly maintained rental housing stock, to continue to allow for local flexibility in conducting regular inspections, and to avoid a possible increase in landlord/tenant tensions, I must veto this bill. I urge city officials to take advantage of their authority to determine the frequency of inspections so that a regular inspection program that is tailored to the varying needs of the community is established.

For the reasons enumerated in this letter, I hereby respectfully disapprove this House File 800.

Sincerely,
Robert D. Ray
Governor

May 14, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing House File 855, an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter. In accordance with Article III, Section 16, Constitution of the State of Iowa, I hereby disapprove and transmit to the Secretary of State.

This bill provides that rules shall not be proposed or adopted by the Conservation Commission, Natural Resources Council or Department of Transportation relating to the regulation of barge traffic or barge fleeting until a study is completed by the Interagency Resources Council. The Council is also to seek assistance of the Corps of Engineers, National Park Service, Environmental Protection Agency and the Coast Guard for the study. Upon completion of the study, which can take no longer than one year to complete, the results, with recommendations, are to be submitted to the Senate and House Standing Committees on Natural Resources and Transportation.

Before a discussion of the merits of the bill, a review of the background on this issue is in order.

When Iowa became a state, Congress gave the bed and banks of the meandered streams to the state. The Mississippi River is one of those meandered streams, and thus the state of Iowa has title to the banks on the Iowa side and the bed to mid-point of the Mississippi River. The Iowa legislature, in turn, has placed this property in trust for the people of Iowa under the jurisdiction of the Conservation Commission (Section 111.18, Code of Iowa). In addition, the Commission has the responsibility for determining allowable obstructions (Section 106.32, Iowa Code) and construction (Section 111.4, Iowa Code) placed on or over this property.

As such, the Commission has regulated aspects of barge fleeting since 1935. Those rules regulating fleeting prior to February 26, 1982, required fleeting site leases under departmental rule, Iowa Administrative Code, 290-Chapter 55. In order to establish greater fleeter awareness of and compliance with barge fleeting regulations and to reduce by one-half the cost of fleeting leases, the Commission proposed a new barge fleeting rule on March 4, 1981.

This proposed rule (I.A.C., 290-54) met strong opposition from the legislature's Administrative Rules Review Committee and the barge industry. The industry contended that the rule resulted in excessive duplication of regulations with the Corps of Engineers and the Coast Guard. In addition, they expressed their concern about their failure to have input in the rule-drafting process. Moreover, the Iowa Department of Transportation opposed the rule, fearing an adverse impact on river transportation.

As a result, the Interagency Resources Council, composed of Iowa's transportation, development, agriculture and environmental agencies, reviewed the proposed rule and recommended changes. The Commission filed an amended rule, adopting all of the Council's recommended changes. Seven public hearings were held and three workshops on the proposed rules for fleeters were conducted in Dubuque, Davenport and Des Moines. The Army Corps of Engineers and Coast Guard also indicated that the amended rules posed no duplication with their regulations and that they had no objections to them. And, an extensive study by the DOT's River Division concluded that the proposed rules should be supported since they would have a minimal effect on transportation costs, they would resolve potential conflicts on siting, and they would fulfill the state's responsibility to assure that public lands are compensated for when used by private or commercial interests. The DOT Commission withdrew its opposition to the rule. And, on February 26, 1982, almost one full year after the first proposed rule, the Commission's amended barge fleeting rule became effective.

House File 855 was introduced in May of 1981 during the height of the controversy over the Commission's proposed rule. The House of Representatives passed this bill in an attempt to obtain a thorough study of the rule before it became effective. The Senate did not consider the bill in 1981 and began debate on it just prior to the effective date of the amended rule—after the Interagency study and the DOT study. The senators, recognizing that the bill, as written, would not prevent the rule from taking effect, amended the bill to void the amended rule. The House recognizing that many of the problems with the proposed rules had been worked out, rejected the Senate amendment. The Senate then refused to insist and the bill was presented to me for my review.

With this background in mind, it becomes apparent the bill must be vetoed for three reasons:

1. The Interagency Resources Council study required in the bill has already been completed. As was noted previously, the Council reviewed the proposed rules and recommended changes, all of which were adopted and are now in effect. Also, the DOT conducted a comprehensive review of the rules and withdrew its objections. It is estimated that the study of the present rule entailed a cost of \$10,000. Spending another \$10,000 on a similar study would be an unnecessary expense.
2. The effect of the bill could be counter-productive to the interest of barge fleeters and the public. House File 855 effectively freezes existing barge fleeting regulations in place until another study is completed. No rules relating to barge fleeting can be proposed or adopted after July 1, 1982. Since the amended rules are now in effect, the bill would effectively prevent the Commission from modifying the rules until the study is completed. However, the Conservation Commission plans to review the

impact of the existing rules in the coming months. If there are ways in which the rules can meet environmental standards while easing the requirements on barge fleeters, those modifications can be incorporated into the rules. My staff plans to work with the Commission during this review process. Therefore, freezing the existing rules into place could be counter-productive to the interests of barge fleeters, those who supported this bill, and the public which could benefit from modifications to the rule.

3. There have been few objections to the existing rules. I have been advised that the Commission has received no complaints from fleeters regarding the revised rules; in fact, several have expressed appreciation for the rules since they cut the siting fee by 50 percent. This general acceptance of these rules can be attributed to the orderly and understandable process provided for barge fleet siting applications. All of those interested in the sites now have an ability to comment. Moreover, the rules reasonably protect the river bank and bed environment without posing undue costs or regulatory burdens on fleeters or the public. Therefore, a study of generally accepted rules would have little value.

Therefore, because the bill requires the duplication of a previously completed study, jeopardizes the interest of barge fleeters and the public, and casts doubt on generally accepted rules, I must veto this bill. The best study of the impact of these rules can come from a review of their operation. If it becomes apparent that changes are needed, modifications can be made by the Commission.

For the reasons enumerated in this letter, I hereby respectfully disapprove this House File 855.

Sincerely,
Robert D. Ray
Governor

May 19, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing Senate File 276, an act relating to the Iowa judicial system, and providing for the reorganization of judicial district five into three judicial election districts, and providing for the number of members to be appointed and elected to the State Judicial Nominating Commission and providing a January 1 effective date, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

The Judicial Nominating Commission consists of one public member appointed by the Governor and one member elected from the bar from each judicial nominating

district. Members of the Commission are responsible for selecting those who can be considered by the Governor for appointment to the Supreme Court and Court of Appeals.

Senate File 276 reduces the number of state judicial nominating districts from seven to six and makes the boundaries of the six nominating districts consistent with the present six congressional districts in the state. The bill also provides for a change in the number of judicial nominating districts in the future in conformance with changes in the number of congressional districts in the state. Current judicial nominating commissioners are allowed to serve out the remainder of their terms in office. However, where that results in two or more appointed or two or more elected members from the same congressional district, each of the members is to share equally in deciding how the single vote from the appointed or elected membership from that district is cast.

In addition, Senate File 276 changes the registration requirement for members of the bar who wish to vote in the election of the bar member of each nominating district. The bill also allows for the payment of expenses for each Commission member and creates a new judicial election district of 5C consisting only of Polk County.

Prior to outlining the rationale for vetoing this bill, some background information is in order.

When the statute creating the State Judicial Nominating Commission was enacted in 1963, the legislature specified that one public and one bar member should come from each congressional district then in existence. At that time, there were seven congressional districts, and, despite the 1970 census which reduced the number of Iowa congressional districts to six, it continued to be the practice of the Governor to make and of the Senate to approve seven appointments to the Commission.

This practice was not without legal foundation since a 1971 Attorney General's Opinion concluded that judicial commissioners should continue to be appointed or elected from the seven congressional districts. The Attorney General reasoned that "the manifest purpose (of using congressional district boundaries for judicial nominating district purposes) was to provide a geographical distribution of the membership of the Commission. . . . (T)here being no relationship whatever between the congress and the judicial commission, there is no reason for a subsequent change in (judicial nominating) districting." (Turner to Murray, 1972 Op. Atty Gen. 68.)

However, during the 1981 session of the Sixty-ninth General Assembly several senators questioned the legality of the seven districts and asked for another opinion from the Attorney General on this issue. The Attorney General reaffirmed the 1971 opinion and said that any change in the number of judicial nominating districts would require legislative action.

Therefore, this year the General Assembly passed Senate File 276 which statutorily tied the number of the judicial nominating districts to the present and future congressional districts. By reducing the number of nominating districts from seven to six while "grandfathering in" present Commission members, the legislature placed two bar members in the new sixth district and two public members in the new third district. This fact, combined with the single vote procedure outlined in the bill for districts with multiple members makes the legislation unworkable and unacceptable.

There are three reasons for this conclusion:

1. The single vote procedure may effectively disenfranchise the bar or public member in the judicial nominating district. The bill requires the multiple members of the district to agree prior to casting the single vote of that district. If, as is conceivable when human judgment is involved, the two members cannot agree on the vote, then the district would effectively lose its vote. As a result, the purpose of the judicial nominating districts—to provide for the geographic distribution of viewpoints in the judicial nominating process—would be lost.
2. The loss of a bar or public vote on the Commission could adversely affect the orderly selection of judges in Iowa. Nominees must receive approval from a majority of the full statutory number of Commission members in order to be nominated. If two of the 12 votes are not able to be cast, then only four Commission members, rather than the statutory majority of seven, could reject a candidate for nomination. This could paralyze the Commission's decision-making process.
3. The possible disenfranchisement of nominating districts could affect the judicial nominating process for a substantial time. Both the sixth district bar members and the third district public members would be affected by the single vote procedure for three years. That is too long to disrupt the nomination of Supreme Court and Court of Appeals justices in Iowa. Indeed, drafters of the single vote mechanism were unaware of the duration of its impact and acknowledge that a different mechanism would have been sought if its three-year impact would have been known.

Therefore, because of the possible substantial and lengthy disruption of the judicial nominating process, I must veto this bill. With the rejection of this bill, we will maintain our seven nominating districts which were given sanction by two Attorney General opinions. Should the legislature in the future decide to tie the nominating districts to their congressional counterparts, a more reasonable and workable voting mechanism should be worked out.

This is not to pass judgment on the other substantive sections of the bill, including the creation of a new judicial election district for Polk County. Those substantive provisions may be meritorious in their own right and deserve to be studied separately by future legislatures.

For the reasons enumerated in this letter, I hereby respectfully disapprove this Senate File 276.

Sincerely,
Robert D. Ray
Governor

May 21, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I am enclosing Senate File 2153, an act relating to the state revenue regulations, sales, services and use taxes by exempting from the taxes sales by trade shops to printers of the end products of image modulation, lithographic-offset plates, photoengraved plates, and other base materials used as carriers for light-sensitive emulsions, limiting the amount of refunds allowable under this act, and making it retroactive, which, in accordance with Article III, Section 16, Constitution of the state of Iowa, I hereby disapprove and transmit to the Secretary of State.

Senate File 2153 provides a sales tax exemption for certain photographic materials used by printers to complete a finished product for retail sale. The bill is made retroactive to allow for refunds for taxes paid on these materials since 1971 and puts a \$50,000 limit on total allowable refunds. In addition, the bill includes an enigmatic provision which makes effective as law written pronouncements on any revenue laws made by the Director or a division director of the Department of Revenue prior to 1975, so long as those pronouncements have not been modified by a rule or statute.

The merits of the sections of the bill granting the sales tax exemption for printers are not questioned here: the exemption would appear to provide for appropriate tax treatment of materials used in the processing of a retail product. It is the uncertain and potentially adverse impact of the provision relating to revenue pronouncements that gives rise to the disapproval of this bill.

The provision in Senate File 2153 relating to Department of Revenue written pronouncements was offered in the House of Representatives during the final hours of the session and received little debate on its implications or merits. A question did arise regarding the provision's germaneness to the bill. It was ruled to be outside of the scope of the bill, but a suspension of the rules and an amendment broadening the title resulted in the addition of the provision to Senate File 2153.

The nongermane ruling is an indication that the subjects covered in the amendment are outside of the scope of the sales, service and use tax issue in Senate File 2153. And, the amendment to the title broadened the description of the subjects covered in the bill to include all revenue regulations. These facts, in combination with the language of the amendment, make it apparent that Senate File 2153 applies to all taxes administered by the Department.

Moreover, Section 3 of the bill makes the entire act retroactive to 1971. Therefore, House File 2153 may result in legal contests over any tax paid since 1971 if the payment of that tax runs contrary to the written advice given by the Director or a division director of the Department of Revenue which has not since been modified by law or rule.

Senate File 2153 thus raises several important questions.

1. Does the law require the refunding of a tax if its payment was based upon erroneous advice? And conversely, would a taxpayer be required to pay back taxes to the state if its nonpayment were based upon erroneous advice?

These questions relate to the common law doctrine of equitable estoppel whereby the state can be estopped from collecting back taxes when a taxpayer, in good faith, relies on the Department's information in deciding not to pay the taxes. This doctrine has never been used by the courts in Iowa and applies only to interest and penalties associated with disputed taxes in states where it is in effect. Senate File 2153 appears to statutorily adopt the doctrine of equitable estoppel in Iowa and may even go beyond it by requiring the refunding of the tax itself, in addition to the interest and penalties.

If the legislature desires to adopt the doctrine of equitable estoppel as Iowa tax law, it should make this major policy change only after fully debating its implications and revenue consequences. Moreover, the legislature should carefully draft the statute to reasonably limit its applicability.

2. Could Senate File 2153 be interpreted to affect only specific taxpayers who received written pronouncements from the Department or could it affect entire classes of taxpayers in similar situations, even if they were unaware of the written pronouncement? If it is determined to affect an entire class, the bill may result in a substantial drain on the state treasury at a time when the state budget is constrained. If it does not apply to a class of taxpayers, Senate File 2153 may treat taxpayers inequitably by providing tax benefits or penalties only to those who receive written advice from the Department.
3. Are there unknown impacts of the bill? The Department wrote the first manual on the formula used for valuation of agricultural land in the early '70s. The Department has, since the adoption of the Administrative Procedures Act in 1975, substantially revised the manual without adopting the revisions in the administrative rules process. Therefore, the Department's equalization orders, which are based on the revised manual, could be challenged as a result of this bill. That is an example of but one possible impact; there are undoubtedly many others that are, as yet, unknown.
4. Does the legislature wish to retroactively give to the Department the authority to determine what is and what is not taxable? Senate File 2153 effectively gives the sanction of law to any interpretation of tax law written by the Director or division directors of the Department. That delegation of taxing authority to the Executive Branch runs contrary to the historic function of the legislature to make tax laws.

In short, the revenue regulation provisions in Senate File 2153 raise a number of serious questions. Answers to these questions will come only through costly and time-consuming litigation. Instead, the legislature should re-examine these provisions next year so that the implications of the bill are debated and resolved.

This veto is not to pass judgment on the other substantive sections of the bill. I recognize the legitimate concerns of the printing industry regarding the need to exempt processing materials from the sales tax. The Department of Revenue has informed me that the veto of this bill should not adversely affect printers so long as the legislature takes action next year to provide the exemption. I urge the legislature to take prompt action next year to address the printer's tax concerns.

For the reasons enumerated in this letter, I hereby respectfully disapprove Senate File 2153.

Sincerely,
Robert D. Ray
Governor

GOVERNOR'S ITEM VETO MESSAGES

May 22, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 2178, an act relating to the administration and benefits of public retirement systems.

Senate File 2178 is approved May 22, 1982, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as Section 12 which reads as follows:

Sec. 12. Section 97B.11, Code 1981, is amended to read as follows:

97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE. Each employer shall deduct from the wages of each member of the system a contribution in the amount of three and six-tenths seven-tenths percent of the covered wages paid by the employer through June 30, 1979 December 31, 1984, and commencing July 1, 1979 January 1, 1985, in the amount of three and seven-tenths eight-tenths percent of the covered wages paid by the employer, until the first of the month in which the member attains the age of seventy years or the member's termination or retirement from employment, whichever is earlier. The contributions of the employer shall be in the amount of three and one-half percent of the covered wages of the member for service through December 31, 1975, and in the amount of five and twenty-five seventy-five hundredths percent of the covered wages of the member for service commencing July 1, 1977 through June 30, 1979 December 31, 1984, and in the amount of five and seventy-five six and twenty-five hundredths percent of the covered wages of the member for service commencing July 1, 1979 January 1, 1985.

I am unable to approve the item designated in the act as Section 23, Subsection b, numbered subparagraphs 1, 2, 3, and 4 which read as follows:

b. (1) There is appropriated annually from the general fund of the state to the Iowa department of job service to be deposited in the Iowa public employees' retirement fund, to pay for the benefit increases provided in this subsection, except as otherwise provided in this subsection, the sum of two million two hundred seventeen thousand dollars per year, commencing with the fiscal year beginning July 1, 1982 and through the fiscal year beginning July 1, 2001, for each fiscal year in which the unobligated state general fund balance on June 30 of the preceding fiscal year as certified by the state comptroller by the following September 10 is more than thirty-five million dollars.

(2) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001 as certified by the state comptroller by the following September 10 is less than thirty-five million dollars, the cost of benefit increases provided in this subsection of two million two hundred seventeen thousand dollars per year for the fiscal year following that June 30 shall be absorbed by the Iowa public employees' retirement fund.

(3) If the unobligated state general fund balance on June 30 of any year from 1982 through 2001, minus the amount appropriated in subparagraph (1), is more than thirty-five million dollars as certified by the state comptroller by the following September 10 and the cost of the benefit increases provided in this subsection during that fiscal year, or any previous fiscal year, has been absorbed by the Iowa public employees' retirement fund and has not previously been repaid from the state general fund in the manner provided in this subparagraph, there is appropriated from the general fund of the state to the Iowa department of job service for the fiscal year beginning the following July 1 two million two hundred seventeen thousand dollars to be deposited in the Iowa public employees' retirement fund to pay the cost of the benefit increases provided in this subsection and absorbed by the Iowa public employees' retirement fund for a previous fiscal year or portion of a fiscal year.

(4) Notwithstanding subparagraphs (1) and (3), funds appropriated in subparagraphs (1) and (3) for a fiscal year shall not exceed the amount by which the unobligated state general fund balance on June 30 of a fiscal year as certified by the state comptroller by the following September 10 exceeds thirty-five million dollars.

Senate File 2178 significantly and appropriately upgrades the benefits for public employees who retire under the IPERS system. Employee wages covered under the system are raised from \$20,000 to \$21,000 on January 1, 1984, and to \$22,000 on January 1, 1986. Retirement benefit levels will be calculated by using the highest five years of wages earned rather than the highest five consecutive years. The retirement benefits will then be equal to 50 percent of these highest five years of wages earned rather than the 47 percent level now in the law. And, the maximum benefits for the pre-1976 IPERS retirees will be increased by up to \$30 per month.

While these benefit increases are appropriate, they also up the demands on the IPERS fund. Section 12 and a portion of Section 23 of Senate File 2178 were apparently included in the bill to address that concern.

Section 12 increases the contribution rate for employers in IPERS from 5.75 to 6.25 percent of all covered wages on January 1, 1985. At the same time, the employee contribution rate is increased from 3.7 to 3.8 percent of covered wages. This would result in an annual \$8.2 million increase in the employer contribution, and a \$1.6 million increase in the employees' contribution. This contribution increase would affect the IPERS employers and employees as follows:

Government Entity	Employer Contribution of \$8,189,353	Employee Contribution of \$1,637,871
State	\$1,345,511	\$ 269,102
Regents	131,030	26,206
Counties	1,194,827	238,965
Cities	909,018	181,804
Township	819	164
Schools	4,209,327	841,866
Multiple Units	336,582	67,316
Utilities	62,239	12,448
Total	\$8,189,353	\$1,637,871

While this would generate substantial revenue for the IPERS fund, it would also burden financially strapped local governments with a state-mandated contribution increase. Without provisions to assist local governments in handling these increased financial demands, this section of the bill could force some local governments to increase property taxes. That is not fair play.

Moreover, it is apparent that the increase in IPERS benefits provided for in the bill can be paid for without a contribution increase. Present benefit levels are significantly less than the level of contributions to the fund. This fact, combined with the increased contributions associated with hiking the covered wages and the substantial investment income in the fund, ensure the actuarial soundness of IPERS without a contribution rate increase now or in 1985.

Therefore, by disapproving Section 12, IPERS benefits will be appropriately increased, local governments will be spared the extra financial burden resulting from a state-mandated contribution hike and the IPERS fund will remain sound for the future.

Subsection b, numbered subparagraphs 1, 2, 3, and 4 were apparently added by the legislature as an alternative method of financing the increased benefits granted to pre-1976 retirees in the bill. These subparagraphs appropriate from the state general fund \$2.2 million to the IPERS fund for each of the next 20 years in order to pay for the anticipated cost of the pre-1976 retiree benefits. However, the general fund appropriation is to be made only when the fund has a balance sufficient to make the appropriation while maintaining at least a \$35 million balance. In addition, a \$4.4 million appropriation must be made from the general fund if a previous year's balance was insufficient to allow for that year's appropriation.

These provisions are unwieldy and unnecessary. Despite the \$35 million trigger established in the bill, the Comptroller would be required to set aside each year's appropriation. This would effectively prevent the use of the \$2.2 million in fiscal year 1983 and in the 19 ensuing fiscal years. The state can ill afford to have the small 1983 general fund balance reduced even further by this bill. Moreover, the provisions for the retroactive payment of a previous year's unfunded appropriation would be difficult to administer and would further drain the state general fund.

In addition, as was mentioned previously, the IPERS fund can safely absorb the cost of the pre-1976 retiree benefit increase with the contributions provided in the bill. Therefore, it would appear unnecessary to appropriate additional state general funds to IPERS.

The remaining sections of Senate File 2178 provide for significant benefit increases for state and local peace officers and firemen in cities of over 8,000 population. The bill provides that the calculation of pension benefits for these employees is to be based on the high three rather than the high five years of salary. This is an appropriate change for several reasons:

- It takes into account the disparity between IPERS retirees, who get Social Security as well as IPERS benefits, and peace officers and firemen who are not covered under Social Security.
- The change makes Iowa's peace officer retirement system more competitive with those of our neighboring states.
- The bill also provides a mechanism for the employees to at least partially pay for this benefit increase by adding .89 percent to the employee contribution rate. The extent to which this contribution rate hike will actually pay for the benefits granted to local peace officers and firemen was the subject of considerable confusion during the closing hours of the legislative session and remains subject to some debate. I urge the legislature next year to re-examine the relationship of the contribution rate increase to the fiscal impact of the high three on local governments. If it is determined that the rate hike is not sufficient to cover the costs of the high three, the legislature should take action to adjust the employee contribution rate or provide the necessary funding to cities through the Municipal Assistance Fund.

Senate File 2178 also allows peace officers in the cities under 8,000 to satisfy IPERS requirements with 25 years of service and a retirement age of 60. This appears to be an appropriate change since it makes the pension benefits for these peace officers more compatible with those of their counterparts in cities over 8,000 and with state peace officers. However, the cost of this change for these cities has also been the subject of debate. Since this provision is not effective until July 1, 1983, the legislature next year will have the time to review and to address its fiscal impact.

For the above reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the state of Iowa. All other items of Senate File 2178 are hereby approved as of this date.

Sincerely,
Robert D. Ray
Governor

May 19, 1982

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
LOCAL

Dear Madam Secretary:

I hereby transmit Senate File 2304, an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1982 and ending June 30, 1983.

I am unable to approve that portion of Section 80 which reads as follows:

It is the intent of the general assembly that in expending the funds appropriated under subparagraphs 1 through 3, the office for planning and programming shall comply with recommendation 5 of the legislative fiscal bureau program evaluation of the office for planning and programming, dated February, 1982.

I am unable to approve that portion of Section 86 which reads as follows:

The state shall provide workers' compensation benefits under chapters 85, 85A, 85B, and 86 to participants in the community work program and those chapters shall be exclusive, compulsory, and obligatory upon the state and the participants in the community work program.

I am unable to approve the item designated in the Act as Section 93 which reads as follows:

Sec. 93. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 7, section 3, subsection 2, unnumbered paragraph 1, is amended to read as follows:

For medical assistance, provided that the funds appropriated in this subsection shall not be transferred or used for any other purpose than specified in this subsection, notwithstanding section 8.39, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary. Medically necessary abortions are those performed under any of the following conditions:

I am unable to approve the item designated in the Act as Section 129 which reads as follows:

Sec. 129. If the appropriations made by this Act create a general fund balance that results in the state comptroller having to delay or consider delaying making any payments authorized by this Act, or any other Act making appropriations, the state comptroller shall make a monthly report to members of the general assembly relating to the fiscal condition of the state and the report shall include, but not be limited to, the revenue growth for the previous month, and the general fund balance, which shall reflect the total general fund obligations not satisfied at the end of the month.

A portion of Section 80 of Senate File 2304 requires the Office for Planning and Programming to organize for the expenditure of its state funds according to a Legislative Fiscal Bureau program evaluation recommendation. This recommendation would divide OPP into three major divisions: Intergovernmental Assistance, Interagency Planning and Coordination, and Administration and Support.

OPP, under the leadership of Ed Stanek, has recently undergone an administrative reorganization. The structure of the organization was refined to more closely reflect the statutory purpose of the office. The legislature effectively endorsed these reorganization efforts by passing Senate File 2216, which made the statutory changes needed to implement the administrative reorganization. However, Senate File 2216, which was dubbed by many as the OPP reorganization bill, did not prescribe a statutory organization for OPP. The Senate and House State Government Committees, which drafted Senate File 2216, apparently determined that the organizational structure of OPP was something best left to those who had responsibility for managing the office.

Thus, it appears that these organizational directives in Senate File 2304 run contrary to the work of the General Assembly in Senate File 2216. In addition, this portion of Senate File 2304 allows a recommendation made by the Fiscal Bureau to take precedence over the efforts and considerations of the standing committees on state government.

Moreover, it seems apparent that the impact of this portion of Senate File 2304 was not clear to members of the General Assembly. This is exhibited by an irony which would result from the implementation of this language. Another portion of Section 80 of Senate File 2304 stipulates that the Iowa Council for Children, Youth, and Families be provided with at least two staff positions and support services. Yet implementation of the Fiscal Bureau recommendation would result in no dedicated support for the Council.

Section 86 of Senate File 2304 establishes a method to provide community work experience for those on the Aid to Families with Dependent Children-Unemployed Parent (AFDC-UP) program. The Department of Social Services is required to contract, at reasonable cost, with counties to provide work assignments for the AFDC-UP recipients. These recipients would receive their AFDC-UP benefits in return for performing the designated work assignments for the county. DSS would be required to assume the costs of workers' compensation as part of the contract with the county.

No state funds were appropriated to DSS to administer this program which, by federal requirement, would include a \$25 monthly work expense grant to each AFDC-UP recipient in addition to the AFDC-UP payment. Nevertheless, the program has the potential of providing valuable work experience to AFDC-UP recipients, and the state has the ability to negotiate a contract with the counties that would stay within reasonable cost limitations. Therefore, I am signing that portion of the program into law.

However, the ability of the state to limit its financial liability for the program is seriously undermined by that portion of Section 86 which requires the state to assume the cost of workers' compensation claims for the program. Preliminary estimates indicate that workers' compensation claims for the program may run as high as \$300,000

each year. Yet no funds were appropriated to DSS to provide for these claims. While there is a possibility of a federal sharing of these costs, the workers' compensation requirement poses a substantial financial liability for the state since no provisions were made for this budget item.

Furthermore, because of the lack of state funding, the workers compensation payment requirement may act as a substantial financial disincentive for DSS to enter into a community work contract with the county. And, it can be reasonably argued that the counties can bear some responsibility for wage and medical compensation for injured workers since the counties will benefit from the tasks performed and the workers will be performing work assignments prescribed by the counties. To do otherwise would remove an incentive for the counties to provide safe jobs. Therefore, the payment of workers' compensation benefits should be part of the community service contract negotiated by and between the state and counties and should not be made a mandatory state financial obligation.

Section 93 of Senate File 2304 amends last year's state appropriation to the medical assistance (Medicaid) program to prohibit the transfer of any of these state funds. Since this restriction is made in a separate section of the bill, distinct from Section 94 which makes the supplemental appropriation to Medicaid, it would not appear to be a condition of the appropriation and would thus be subject to an item veto.

Section 8.39 of the Code authorizes the Governor and the State Comptroller to transfer funds from one agency to another when the original appropriation has proven to be insufficient to meet the legitimate expenses of the receiving agency. The use of this transfer authority is preceded by a two-week notice given to various legislators. During this time legislative comments are received and carefully considered.

The transfer authority is used sparingly. Nevertheless, it does provide for the budgetary flexibility needed to deal with unforeseen or changing circumstances. Certainly, the unsettled economic conditions we face today require flexibility in administering the budget, particularly in light of the relatively small treasury balances that have been provided for.

While the frequent need for medical assistance budget supplements indicates that a transfer from this program is unlikely, the Medicaid budget's reliance on federal funds and regulations reveals the need to maintain transfer authority. President Reagan's proposed budget includes a swap with the states—the federal government would fund Medicaid while the states would assume the costs of the AFDC and food stamp programs. While the administration and the governors have yet to agree on a swap, it is important to note that both include federal funding for Medicaid in their proposals. In addition, forthcoming federal changes in the home-based care requirement could save state funds during the coming fiscal year. Should a swap be forthcoming, or if the federal regulatory changes occur, transfer restrictions on the Medicaid program would seriously hamper Iowa's ability to adjust.

Therefore, in order to maintain the flexibility needed to effectively operate government during unsettled economic and federal budgetary times, Section 93 must be item vetoed.

Section 129 of Senate File 2304 provides for a monthly report by the State Comptroller to the General Assembly. This monthly report must, at minimum, include the revenue growth for the previous month and the general fund balance which must include all unsatisfied obligations for the month. Moreover, the Comptroller's monthly report need be filed only when the \$40,775,758 appropriations made in the bill may force a delay in state general fund payments.

The language in the section is, at best, unclear and, at worst, unworkable.

Apparently, legislators intended to require a monthly report indicating state tax receipts and a listing of any delayed general fund payments. This intent can be met by the State Comptroller. In fact, all legislators presently receive the State Comptroller's monthly tax receipts report. This report includes a summary of state tax receipts received for the month and for the fiscal year to date. In addition, information is generally included regarding the ability of the state to meet its obligations and to meet the constitutional requirement of a balanced budget. Moreover, the list of major general fund payments that have been delayed is already a matter of public record and those affected by the delays are notified as far in advance as possible. The State Comptroller can and will add legislative leaders to the list of those notified of delayed payments.

However, the language in Section 129 uses the term "general fund balance" and the phrase modifying it "total general fund obligations not satisfied at the end of the month" to describe the required content of the Comptroller's report. This language fails to make the distinction between cash balance and general fund balance which is essential to understanding the reasons for delayed payments. The cash balance is the cumulative result of state's cash income and cash payments. This balance, together with estimates of future cash flow, is used to schedule future cash payments. Delays in large payments, or partial payments, are made to avoid a cash deficit.

The general fund balance, on the other hand, is defined to include total general fund obligations. The financial obligations of state agencies are matched with state revenues to yield a general fund balance.

Agencies are given quarterly allocations of appropriated funds and are allowed to draw on those allocations until their allocation is reached or until the end of the fiscal year. No record of the extent to which an agency has obligated funds is known until the fiscal year ends. Thus, there is but one report of the general fund balance, and it comes not monthly but only at the end of the fiscal year.

In short, it appears the legislature intended to obtain a report of delayed payments. Unfortunately, the language in Section 129 instead requires a monthly general fund balance statement which has little to do with delayed payment decisions and is now prepared but once a year.

As a result, the requirements of Section 129 cannot be met, and this section cannot be approved. However, since the legislature has an appropriate desire to be kept informed about the state's financial picture and apparently desires to receive a monthly receipts statement and delayed payments report, the State Comptroller will forward such a monthly report to legislative leaders.

For these reasons, I hereby disapprove these items in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 2304 are hereby approved this date.

Sincerely,
Robert D. Ray
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE

April 28, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that Senate File 2088 was published in the South Hardin Signal-Review, Hubbard, Iowa on April 22, 1982 and in the Charles City Press, Charles City, Iowa on April 23, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 3, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that Senate File 2091 was published in the Hudson Herald, Hudson, Iowa on April 28, 1982 and in the Bremer County Independent, Waverly, Iowa on April 27, 1982 and in the Waverly Democrat, Waverly, Iowa on April 29, 1982.

I further certify that House File 2371 was published in The Malvern Leader, Malvern, Iowa on April 29, 1982 and in The Denison Bulletin, Denison, Iowa on April 29, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 4, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, House File 2427 was published in the Mt. Ayr Record-News, Mt. Ayr, Iowa on April 29, 1982 and in the Waterloo Courier, Waterloo, Iowa on April 29, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 10, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2235 was published in The Chariton Leader, Chariton, Iowa on April 27, 1982 and in The Sun, Mount Vernon, Iowa on April 29, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 10, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, House File 2376 was published in the Estherville Daily News, Estherville, Iowa on May 4, 1982 and in the Storm Lake Register, Storm Lake, Iowa on April 24, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 14, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2238 was published in the Ankeny Press Citizen, Ankeny, Iowa on April 29, 1982 and in the Urbandale News, Urbandale, Iowa on May 6, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 14, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2267 was published in the

Council Bluffs Nonpareil, Council Bluffs, Iowa on May 8, 1982 and in the Red Oak Express, Red Oak, Iowa on April 28, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 18, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2190 was published in The North Scott Press, Eldridge, Iowa on May 13, 1982 and in the Quad City Times, Davenport, Iowa on May 7, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 26, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2203 was published in The Altoona Herald-Mitchellville Index, Altoona, Iowa on May 20, 1982 and in The Advocate-Enterprise-Index-Reporter, Rockwell City, Iowa on May 13, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

May 28, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2312 was published in the Eldora Herald-Ledger, Eldora, Iowa on May 18, 1982 and in The Fairfield Daily Ledger, Inc., Fairfield, Iowa on May 24, 1982.

I further certify that the foregoing Act, House File 2448 was published in the Delaware County Leader, Hopkinton, Iowa on April 29, 1982 and in The Pioneer-Republican, Marengo, Iowa on May 20, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 3, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, House File 2362 was published in the Diamond Trail news, Sully, Iowa on May 12, 1982 and in The Manchester Press, Manchester, Iowa on May 12, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 3, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, House File 2482 was published in The Hudson Herald, Hudson, Iowa on May 27, 1982 and in The Algona Upper Des Moines, Algona, Iowa on May 27, 1982.

I further certify that the foregoing Act, Senate File 2298 was published in The Boone News-Republican, Boone, Iowa on May 26, 1982 and in The Madrid Register-News, Madrid, Iowa on May 27, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 8, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, Senate File 2303 was published in the Grinnell Herald-Register, Grinnell, Iowa on May 27, 1982 and in The Montezuma Republican, Montezuma, Iowa on June 3, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 10, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, House File 2334 was published in The Red Oak Express, Red Oak, Iowa on May 28, 1982 and in the Carroll Daily Times-Herald, Carroll, Iowa on May 26, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 10, 1982

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, House File 2479 was published in The Council Bluffs Nonpareil, Council Bluffs, Iowa on May 30, 1982 and in the Fort Madison Daily Democrat, Fort Madison, Iowa on May 27, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 15, 1982

Mrs. Elizabeth Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, Senate File 2146 was published in the Grinnell Herald-Register, Grinnell, Iowa on May 24, 1982 and in The Sioux County Index-Reporter, Hull, Iowa on May 26, 1982.

Respectfully submitted
MARY JANE ODELL
Secretary of State

June 18, 1982

Mrs. Elizabeth Isaacson
Chief Clerk of the House
State Capitol Building
LOCAL

I hereby certify that the foregoing Act, Senate File 2191, was published in the

Creston News-Advertiser, Creston, Iowa on May 14, 1982 and in The Titonka Topic, Titonka, Iowa on May 20, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

June 30

Mrs. Elizabeth A. Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, House File 2474, was published in the Midland Times, Wyoming, Iowa on June 4, 1982 and in the Waterloo Courier on May 25, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

July 2, 1982

Mrs. Elizabeth Isaacson
Chief Clerk of the House
State Capitol Building
L O C A L

I hereby certify that the foregoing Act, Senate File 2253 was published in the Muscatine Journal, Muscatine, Iowa on June 8, 1982 and in The Council Bluffs Nonpareil, Council Bluffs, Iowa on June 30, 1982.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

IN MEMORIAM

House

Memorials adopted by the House of Representatives, 1982 Regular Session of the Sixty-ninth General Assembly, commemorating the life, character, and public service of former members of the House of Representatives who had departed this life since the last regular session of the General Assembly.

WILMOT C. HENDRIX September 11, 1889—January 19, 1982

KENNETH D. MILLER December 31, 1925—February 23, 1982

JOHN M. NAUGHTON June 3, 1892—August 31, 1981

THOMAS O. NUTT, SR. April 27, 1904—March 10, 1982

WILMOT C. HENDRIX

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Wilmot C. Hendrix begs leave to submit the following memorial:

Wilmot C. Hendrix was born September 11, 1889 in Muscatine County, Iowa, the son of William and Charlotte Willits Hendrix. He was united in marriage to Ruth Willits at Joy, Illinois in 1925, who preceded him in death. He was married to Jeanette Riddell in 1963.

Mr. Hendrix retired from farming in 1959. He was a member of the Letts United Methodist Church, Letts Triangle Masonic Lodge #245, Kaaba Shrine in Davenport, and the Davenport Consistory.

Representative Hendrix, a Republican, served in the Fifty-second, Fifty-second Extra, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, and Fifty-seventh General Assemblies representing Muscatine County.

Wilmot C. Hendrix died on January 19, 1982 in Mesa Lutheran Hospital, Mesa, Arizona. He is survived by his wife, Jeanette of Mesa, Arizona, one step-daughter, Doris Barham of Prescott Valley, Arizona and two step-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Sixty-ninth General Assembly of Iowa, That in the passing of the Honorable Wilmot C. Hendrix, the state has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BETTY HOFFMANN-BRIGHT
VIRGIL E. COREY
CLAY SPEAR

Committee

KENNETH D. MILLER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Kenneth D. Miller, begs leave to submit the following memorial:

Kenneth D. Miller was born on December 31, 1925 in Oelwein, Iowa. In 1947 he married Shirley Gates and together they raised three sons.

Mr. Miller attended Oelwein schools, A.F.I. School of Engineering, and F.M.F. Management School. For seventeen years he was owner-operator of a retail milk and dairy products route. At the time of his death, he was owner of a mobile home court in Independence. Mr. Miller served as township school director, 4-H leader, D.H.I.A. supervisor and township A.S.C. Chairman.

In World War II, Mr. Miller served in the Marine Corps in the Pacific Theater. He was a member of the V.F.W. and the American Legion.

Mr. Miller, a Democrat, served in the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-eighth and Sixty-ninth General Assemblies representing parts of Buchanan and Black Hawk counties. He also served as the Buchanan County Democratic Chairman.

Mr. Miller passed away on February 23, 1982. Surviving him are his wife, Shirley, Independence; three sons, Larry Miller and Joel Miller, Independence; and Allen Miller, Lombard, Illinois; his mother, Margaret Miller, Liberty, Missouri; his father and stepmother, Mr. and Mrs. Lawrence Miller, Gilliam, Missouri; five brothers, Harold Miller, Liberty, Missouri, Robert Miller, Janesville, Wisconsin, Luane Miller, Slater, Missouri, Tom Miller and Jay Miller, Gilliam, Missouri; six sisters, Marlys Watson, Des Moines, Sherry Baker, Gilliam, Missouri, Char Ann Young, Slater, Missouri, Kristy Gochenour, Marshall, Missouri, Jean Johnson and Lana Miller, Kansas City, Missouri; and three grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Sixty-ninth General Assembly of Iowa, That in the passing of the Honorable Kenneth D. Miller, the State has lost an honored citizen and a faithful and useful public servant, and the House by this resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DONALD D. AVENSON
HORACE DAGGETT
DONALD E. GETTINGS

Committee

JOHN M. NAUGHTON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable John M. Naughton begs leave to submit the following memorial:

John Naughton was born in Sioux City, June 3, 1892. He was united in marriage to Florence Davenport of Sioux City on August 17, 1920.

Mr. Naughton was formerly a State Works Projects Administrator, appointed to that position by President Roosevelt in 1941. He was also a construction superintendent with the Arthur Sanford Company and the Tangney-McGinn Hotel Corporation.

He was a member of St. Augustin's Church and the Beta Theta Pi Fraternity. He was a former commander of the DAV and a veteran of World War I.

Representative Naughton, a Democrat, served in the Forty-seventh and Forty-eighth General Assemblies representing Woodbury County.

John Naughton died on August 31, 1981. He is survived by his wife, four sons, William K. of Des Moines, John S. of West Des Moines, James R. of McLean, Virginia and Gordon of Kansas City, Missouri; and ten grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Sixty-ninth General Assembly of Iowa, That in the passing of the Honorable John M. Naughton, the State has lost an honored citizen and a faithful and useful public servant and the House, by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

AL STURGEON
WARREN JOHNSON
JAMES D. O'KANE

Committee

THOMAS O. NUTT, SR.

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Thomas O. Nutt begs leave to submit the following memorial:

Thomas O. Nutt was born April 27, 1904 near Douds, Iowa, the son of Thomas F. and Mattie Findley Nutt. He was united in marriage with Madelyn Blakesway at Galesburg, Illinois on September 16, 1925.

Mr. Nutt operated a garage in Douds for a number of years and farmed.

He was a member of Zarapeth Consistory and Kaaka Shrine, both of Davenport; Ottumwa York Rite Masonic bodies; Starlight Lodge No. 350 K of P at Douds; Pi Kappa Alpha fraternity, Douds Commercial Club, Douds Field Day Association, Douds Saddle Club and Selma Trail Riders.

He also served as president of the Douds Leando School Board and the Van Buren County Board of Education. He was a 50 year member and Past Master of Celestial Lodge No. 413 A.F. and A.M. in Douds.

Mr. Nutt served in the Iowa Legislature in the Fifty-seventh and Fifty-eighth General Assemblies. He also had served on the Van Buren County Board of Supervisors since 1973.

Thomas O. Nutt died March 10, 1982. He is survived by his wife, two sons, Thomas Jr. of Broad Run, Virginia and John of Minneapolis, Minnesota; one daughter Caroline Kunzman of Albuquerque, New Mexico and nine grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Sixty-ninth General Assembly of Iowa, That in the passing of the Honorable Thomas O. Nutt, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

WILLIAM R. SULLIVAN
JOHN H. CLARK
DONALD E. GETTINGS

Committee

GENERAL INDEX

ADDRESSED THE HOUSE—

(See also Joint Convention and/or Special Presentation)

Cara Lyn Klein, Miss Teenworld for 1982—1698

Denise Shipler, 1982 Easter Seal Child—643-644

General Stephen S.F. Chen, Director of the Coordination Council for North American Affairs, Republic of China—1488

George Mills, Legislative Reporter, WHO-TV—1862

Giancarla Codrignani, Independent member, Italian Parliament, Bologna, Italy—1125

Julie Kuhlman, 1982 Iowa's Junior Miss—103

The Honorable Delwyn Stromer, Speaker of the House—52-53, 1897-1898

The Honorable Donald D. Avenson, Minority Floor Leader—53-55, 1899

The Honorable Lawrence Pope, Majority Floor Leader—55, 1898-1899

AGING, COMMISSION ON—

Appointment to—45

Communications from—49, 121, 893

AGRICULTURE, COMMITTEE ON—

Amendments filed—989, 1189, 1212

Amendments offered—1103, 1369

Appointed—44, 1080

Bills introduced—370, 471, 526, 538, 644, 686, 707, 791, 792, 964

Recommendations—367, 443, 476, 536, 641, 702, 755, 818, 988, 1188, 1210-1211

Resolutions offered—794-795

Subcommittee assignments—79, 81, 84, 125, 129, 134, 135, 207, 209, 211, 274, 279, 280, 927, 1049, 1210

AMENDMENTS FILED—

(Also see Bills and/or individual listings)

87, 99, 107, 144, 161, 168, 175, 216, 228-229, 242-243, 248, 286, 304, 316, 368,

373-374, 396, 404-405, 434, 444, 461-462, 478, 493, 519-520, 537, 566-567, 578,

600-601, 642, 702, 706, 739, 757, 789, 820, 834-835, 849-850, 868, 895-896, 928,

951, 963, 989-990, 1018-1019, 1051-1052, 1083-1084, 1109-1111, 1189-1190, 1212,

1237-1238, 1284-1285, 1322-1325, 1382, 1384, 1448-1449, 1483-1484, 1527,

1550-1551, 1592, 1696, 1760-1761, 1904, 1912-2152

Senate amendments—161, 168, 228, 404, 520, 578, 642, 706, 739, 757, 820, 1149, 1190,

1284, 1322, 1323, 1382, 1448, 1484, 1527, 1550, 1592, 1650, 1760, 1904, 2151

ANDERSON, JAMES O.—Representative Audubon-Carroll-Cass-Crawford-Greene-Guthrie-Shelby Counties

Amendments filed—229, 242, 242-243, 493, 519, 520, 566, 684, 757, 789, 1019, 1110, 1323, 1476

Amendments offered—772, 808, 1369, 1476

Amendments withdrawn—591, 809, 845

Bills introduced—55, 56, 146, 150, 178, 181

Committee appointments—6, 1613

Reports—1816-1853

Resolutions offered—113, 515-516, 960-961

Subcommittee assignments—78, 83, 84, 85, 123, 124, 125, 127, 128, 129, 133, 135, 136, 204, 205, 206, 208, 209, 210, 273, 276, 277, 279, 280, 388, 390, 815, 816, 817, 1210

ANDERSON, ROBERT T.—Representative **Jasper**-Marion-Polk-Warren Counties, Assistant Minority Floor Leader

Amendments filed—216, 229, 344, 519, 537, 1173, 1212, 1577-1578, 1722-1723, 1732, 1741

Amendments offered—1577, 1722, 1741

Amendments withdrawn—1732

Appointed to the Legislative Council Fiscal Committee and Block Grants Subcommittee—44

Bills introduced—57, 111, 118, 119, 177, 179, 181, 196, 201

Committee appointments—44

Leave of absence—654, 836, 971, 1221

Resolutions offered—113, 173, 173-174, 301-302, 515-516, 572-573, 948, 1141-1142, 1207-1208

Subcommittee assignments—84, 123, 124, 125, 126, 127, 128, 129, 130, 133, 136, 137, 138, 204, 207, 209, 210, 212, 275, 388, 561, 817

APPOINTMENTS—

Aging, Commission on, Representative Carl—45

Compensation, Commission on, Daryl Watts, Eagle Grove—45

Confidential Records Council, Representatives Arnould & Ritsema—45

Legislative Council, Representative Byerly—44

Legislative Council Fiscal Committee & Block Grants Subcommittee, Representative Anderson of Jasper—44

Title XX Statewide Advisory Committee, Representatives Clark of Cerro Gordo & De Groot—45

APPROPRIATIONS, COMMITTEE ON—

Amendments filed—175, 834, 1018, 1483

Amendments offered—235, 1117, 1193, 1533, 1704

Appointed—44, 638

Bills introduced—299, 370, 1003, 1221, 1378, 1622, 1656-1657, 1747

Recommendations—174, 286, 819, 834, 1016-1017, 1211, 1322, 1483, 1526-1527, 1649, 1694-1695, 1704, 1748

Subcommittee assignments—281, 700, 815, 1046

APPROPRIATIONS, SUBCOMMITTEES—

Appointed—44, 162, 225, 1080

Resolution offered—813-814

ARNOULD, ROBERT C.—Representative **Scott** County

Amendments filed—229, 757, 789, 928, 989, 990, 1173, 1238, 1714, 1729, 1730

Amendments offered—934, 1714

Amendments withdrawn—1729, 1730

Appointed to the Confidential Records Council—45

Bills introduced—57, 74, 102, 111, 118, 119, 146, 147, 177, 187, 190, 196, 200

Committee appointments—5

Resolutions offered—113, 245, 515-516, 572-573, 574-575, 960-961, 1141-1142, 1207-1208, 1692-1693

Subcommittee assignments—84, 123, 124, 127, 128, 133, 134, 204, 206, 208, 209, 210, 211, 275, 276, 278, 279, 280, 281, 391, 475, 1047, 1048, 1049

ASSISTANT MAJORITY FLOOR LEADERS—

Wayne Bennett, Representative Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac Counties

(See Bennett, Wayne—Representative Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac Counties, Assistant Majority Floor Leader)

Roger A. Halvorson, Representative Allamakee-Clayton-Winneshiek Counties

(See Halvorson, Roger A.—Representative Allamakee-Clayton-Winneshiek Counties, Assistant Majority Floor Leader)

Ingwer L. Hansen, Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties

(See Hansen, Ingwer L.—Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties, Assistant Majority Floor Leader)

Betty A. Hoffmann-Bright, Representative Johnson-Louisa-Muscataine Counties

(See Hoffmann-Bright, Betty A.—Representative Johnson-Louisa-Muscataine Counties, Assistant Majority Floor Leader)

ASSISTANT MINORITY FLOOR LEADERS—

Robert T. Anderson, Representative Jasper-Marion-Polk-Warren Counties

(See Anderson, Robert T.—Representative Jasper-Marion-Polk-Warren Counties, Assistant Minority Floor Leader)

Richard L. Byerly, Representative Polk County

(See Byerly, Richard L.—Representative Polk County, Assistant Minority Floor Leader)

Dale M. Cochran, Representative Humboldt-Webster Counties

(See Cochran, Dale M.—Representative Humboldt-Webster Counties, Assistant Minority Floor Leader)

John H. Connors, Representative Polk County

(See Connors, John H.—Representative Polk County, Assistant Minority Floor Leader)

AVENSON, DONALD D.—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Minority Floor Leader

Amendments filed—216, 365, 537, 548, 820, 1051, 1110, 1173, 1238, 1323, 1489-1490, 1678-1679, 1685, 1720, 1739, 1776

Amendments offered—547, 548, 1035, 1489, 1678, 1685, 1776

Amendments withdrawn—259, 1720, 1739

Bills introduced—57, 89, 163, 179, 192, 792, 1288, 1326, 1378, 1480-1481, 1481, 1502, 1570, 1745-1746, 1757

Challenged ruling of the chair—324

Committee appointments—544, 1058

Official delegate to attend the funeral services of the Honorable Kenneth Miller—525

Petitions presented—643

Presented to the House, foreign exchange student, Francisco Valenzuela, Chile—1144

Presented to the House, Paul Copenhaver, recently elected to the House of Representatives, Buchanan County—1046

Presented with gift—1855

Remarks by—53-55, 1899

Resolutions offered—6-7, 41, 113, 173, 173-174, 285, 371, 544, 572-573, 638, 960-961, 1141-1142, 1207-1208, 1281-1282, 1411-1412, 1692-1693

AWARDS AND GIFTS—

Representative Johnson of Howard presented plaques to Representatives Stromer, Pope and Avenson in appreciation of their service and dedication to the House—1855

BAXTER, ELAINE—Representative Des Moines County

Amendments filed—462, 990, 1173, 1323, 1324

Committee appointments—225

Leave of absence—260, 287, 397

Presented to the House, the Honorable William Monroe, former member of the House—640

Resolutions offered—515-516, 572-573, 606-607, 960-961, 1141-1142, 1207-1208, 1692-1693

Subcommittee appointments—225

Subcommittee assignments—927

Took oath of office—218

BECAME LAW BY PUBLICATION—

House File 2034—893

House File 2171—1081

House File 2334—2185

House File 2336—926

House File 2362—2184

House File 2371—2181

House File 2376—2182

House File 2377—1589

House File 2427—2181

House File 2448—2183

House File 2474—2186

House File 2479—2185

House File 2482—2184

Senate File 2080—961

Senate File 2088—2181

Senate File 2091—2181

Senate File 2146—2185

Senate File 2190—2183

Senate File 2191—2185-2186

Senate File 2203—2183

Senate File 2235—2182

Senate File 2238—2182

Senate File 2253—2186

Senate File 2267—2182-2183

Senate File 2298—2184

Senate File 2303—2184

Senate File 2312—2183

BENNETT, WAYNE—Representative Buena Vista-Carroll-Cherokee-Crawford-Ida-Sac Counties, Assistant Majority Floor Leader

Amendments filed—242, 444, 461, 868, 1082, 1238, 1285

Amendments offered—504, 875, 1369, 1405

Amendments withdrawn—1264

Bills introduced—38, 39, 56, 90, 170

Committee appointments—1582

Presided at sessions of the House—270, 464, 1329

Reports—1865-1874

Resolutions offered—113

Subcommittee assignments—79, 82, 132, 133, 135, 207, 208, 209, 210, 388, 389, 390, 392, 561, 1049, 1210

BILLS—

(Action on House Joint Resolutions, House Files, Senate Joint Resolutions and Senate Files in Legislative Index Volume)

Amendments not otherwise printed during session—1912-2152

Approved—182, 302-303, 371, 456, 598, 638-639, 700, 736-737, 785, 832, 987, 1045-1046, 1080, 1106-1107, 1237, 1282-1283, 1383, 1547-1548, 1588, 1646, 1693, 1901-1902

Approved after session—2153-2181

Deferred—154, 155, 250, 254, 288, 299, 420, 479, 495, 521, 544, 673, 693, 715, 726, 730, 743, 750, 752, 775, 801, 823, 827, 829, 837, 838, 869, 882, 903, 935, 954, 974, 981, 1004, 1021, 1029, 1055, 1065, 1075, 1084, 1092, 1093, 1104, 1105, 1186, 1187, 1193, 1201, 1206, 1215, 1220, 1221, 1260, 1271, 1280, 1290, 1295, 1318, 1331, 1362, 1364, 1369, 1413, 1457, 1467, 1479, 1536, 1546, 1581, 1656, 1658, 1664, 1674, 1787

House and Senate Files returned to committees—41-43

Immediate consideration—1797

Introduction of—36-40, 55-57, 73-74, 88-91, 101-102, 108-111, 117-119, 145-151, 163-165, 169-172, 176-181, 186-196, 196-203, 225, 230, 238, 271, 299, 317, 321, 370, 376, 402-403, 406, 436, 446, 471-473, 490, 521, 522, 526, 538-539, 568-571, 579-580, 602-603, 607-608, 644-645, 686, 703, 707, 758-759, 767-768, 768, 790-794, 830, 846, 861, 944, 964, 991, 1003, 1221, 1239, 1288, 1326, 1378-1379, 1480-1481, 1502, 1570, 1622, 1644, 1656-1657, 1690, 1745-1746, 1747, 1757

Item veto messages—2173-2181

Item vetoed after session—2161, 2164

Referred to committees—1368

Rereferred to committees—111, 120, 172, 204, 431, 767, 861, 1319, 1666

Veto messages—490-491, 2164-2173

Vetoed after session—2153, 2160, 2161

Withdrawn—51, 52, 72, 100, 108, 162, 250, 261, 296, 297, 369, 397, 420, 441, 446, 456, 674, 694, 723, 724, 728, 743, 750, 751, 770, 828, 855, 864, 974, 980, 1003, 1009, 1015, 1038, 1053, 1072, 1079, 1092, 1293, 1538, 1580, 1582, 1593, 1757, 1772

BILLS SENT TO GOVERNOR—

Reports of House (Sent to Governor)—245-246, 272, 431, 575, 680, 736, 832, 949, 961, 1187, 1524, 1588-1589, 1694, 1911

BINNEBOESE, DONALD H.—Representative Cherokee-Plymouth-Woodbury Counties

Amendments filed—1173

Appointed to the Committee on Credentials—3
Bills introduced—57, 192
Committee appointments—1675
Leave of absence—36, 51, 145, 1215, 1804
Petitions presented—317
Reports—4-5, 217-218, 1057-1058, 1787-1788
Resolutions offered—113, 173, 515-516, 572-573, 960-961, 1207-1208, 1899-1900
Subcommittee assignments—83, 127, 208, 278, 474, 1903

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See Appointments and/or Communications, subheading Reports and/or individual headings)

BRANDT, DIANE—Representative **Black Hawk** County

Amendments filed—396, 461, 578, 601, 642, 835, 849, 928, 951, 963, 1148, 1149, 1173, 1323-1324, 1739
Amendments offered—888, 942, 992, 1155, 1171, 1173, 1262, 1739
Bills introduced—57, 89, 111, 118, 119, 148, 150, 163, 177, 179, 181, 192, 193, 194, 195, 196, 198, 200, 202
Committee appointments—1581
Leave of absence—479, 1053
Petitions presented—579
Reports—1876-1892
Resolutions offered—113, 525, 572-573, 960-961, 1207-1208
Subcommittee assignments—123, 124, 126, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 204, 205, 206, 208, 210, 211, 273, 274, 275, 276, 278, 279, 280, 815, 816, 927, 1047, 1048, 1049

BRANSTAD, CLIFFORD O.—Representative **Emmet-Hancock-Kossuth-Winnebago** Counties

Amendments filed—229, 242-243, 461, 578, 702, 835, 1019, 1110, 1212, 1323, 1324, 1484, 1904
Amendments offered—222, 496, 585, 840
Bills introduced—179, 186
Committee appointments—75
Escorted to the Speaker's station and presented to the House, Denise Shieler, 1982
Easter Seal Child—643
Resolutions offered—113, 284-285, 515-516, 1569-1570
Subcommittee assignments—83, 131, 134, 135, 207, 209, 212, 273, 277, 278, 388, 389, 390, 474, 816

BRUNER, CHARLES H.—Representative **Story** County

Amendments filed—216, 228, 229, 242, 362, 365, 404, 537, 555, 777-778, 789, 932, 990, 1110, 1173, 1527, 1574-1575, 1650, 1681, 1696, 1741-1742
Amendments offered—440, 551, 555, 777, 1182, 1574, 1681, 1741, 1753, 1754
Amendments withdrawn—555
Bills introduced—56, 57, 111, 118, 119, 177, 190, 192, 193, 194, 196, 200, 201
Committee appointments—6, 44
Presented to the House, the Honorable Neil Hines former member of the House—1646

Resolutions offered—113, 301-302, 515-516, 572-573, 960-961, 1141-1142, 1207-1208, 1692-1693

Subcommittee assignments—78, 79, 80, 81, 82, 83, 127, 128, 134, 208, 209, 273, 276, 281, 700, 1047, 1048, 1903

BUDGET MESSAGE—

Delivered by Governor Robert D. Ray—10-18

Resolution relating to, HCR 101—6-7 adopted

BYERLY, RICHARD L.—Representative Polk County, Assistant Minority Floor Leader

Amendments filed—216, 396, 519, 537, 578, 684, 820, 868, 895, 896, 928, 990, 1018, 1051, 1083, 1148, 1173, 1323, 1324, 1650, 1726

Amendments offered—656, 829, 842, 1157, 1168, 1372, 1726

Amendments withdrawn—413, 1167, 1373

Appointed to the Legislative Council—44

Bills introduced—40, 57, 164, 181, 195

Leave of absence—397, 741, 1084, 1215, 1402

Resolutions offered—113, 515-516, 572-573, 874, 948, 1141-1142, 1207-1208

Subcommittee assignments—125, 207, 279, 281

CANVASS OF VOTES—

Certification—4, 217-218, 1057-1058

CARL, JANET—Representative Benton-Iowa-Poweshiek-Tama Counties

Amendments filed—216, 229, 358, 1110, 1173, 1323-1324, 1728, 1794

Amendments offered—1728, 1794

Appointed to the Commission on Aging—45

Bills introduced—57, 111, 118, 119, 148, 177, 178, 191, 195, 196, 200

Committee appointments—1711

Leave of absence—1191, 1221

Reports—1856-1857

Resolutions offered—113, 173-174, 245, 515-516, 572-573, 960-961, 1207-1208

Subcommittee assignments—123, 129, 210, 211, 275, 276, 392, 816, 1047, 1048, 1049

CARPENTER, DOROTHY F.—Representative Polk County

Amendments filed—242-243, 396, 404-405, 444, 461, 601, 706, 990, 1110, 1285, 1323, 1382, 1457-1458, 1571, 1696

Amendments offered—713, 827, 1153, 1328, 1571

Bills introduced—118, 119, 188, 200

Committee appointments—1581, 1905

Presented to the House, foreign exchange student, Raimudo Salas, Mexico—951

Presented to the House, the Honorable Patricia Thompson, former member of the House—1283

Reports—1876-1892

Resolutions offered—113, 173-174, 301-302, 515-516, 572-573, 948, 960-961

Subcommittee assignments—84, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 136, 137, 138, 206, 208, 209, 212, 272, 276, 277, 278, 281, 388, 389, 391, 815, 817, 927, 1047

CERTIFICATES OF ELECTION—

- Of Representative-elect Elaine Baxter—217-218
- Of Representative-elect Paul Copenhaver—1057-1058
- Of Representative-elect Tom Fey—4
- Of Representatives-elect Don Knapp & Ralph Rosenberg—4

CERTIFICATES OF RECOGNITION—

- Alan Rosenthal, Eagleton Institute of Politics, Rutgers University—95
- Ames High School Swimming Team—833
- Arlington, City of-125th anniversary—95
- Assumption High School Boys Basketball Team—1082
- Bettendorf Bulldogs Football Team—95
- Bettendorf High School Wrestling Team—706
- Bondurant-Farrar Wrestlers—95
- Central Elkader High School Boys Basketball Team—1081
- Charles Selzer, Superintendent, Amana Community Schools—493
- Clearfield, City of-Centennial—1904
- Columbus High School, 1982 Iowa State Hockey Championship—1082
- Corning, City of-125th Anniversary—1904
- Davis County Community High School Boys Basketball Team—1082
- Defiance, City of-Centennial—1904
- Denison Monarchs Basketball Team—951
- Don Holmes, Iowa's 1982 Wrestling Official of the Year—951
- Drake University Women's Basketball Team—1082
- East High School Boys Basketball Team—1082
- Fairfield High School Girls Basketball Team—1082
- Gifford & Tracey Downs, rendered vital assistance to a peace officer—951
- Hedrick, City of-Centennial—1384
- ISU Introfraternity Council-1982 Record Blood Drive—1549
- Jo Ann Besch, 1982 National Pork Queen—1082
- Jim Storey, "Big Brother of the Year"—1904
- John Harty, participation in Super Bowl XVI—226
- Kent D. Efnor, Eagle Scout Award—1903
- Lisbon High School Wrestlers—833
- Mount Vernon High School Wrestlers—1082
- Neola, City of-Centennial—1903
- Northwest Iowa Review, "Newspaper of the Year"—1549
- Oakland, City of-Centennial—1904
- Outstanding Young Iowan and Outstanding Young Farmer Programs—226
- Patrick Burken, Eagle Scout Award—95
- Paullina High School Boys Basketball Team—1082
- Phil Stillman, 1982 Master Farmer Award—1383-1384
- Portsmouth, City of-Centennial—1904
- Professor Stanley D. Shawhan & Colleagues, University of Iowa-designing the Plasma Diagnostic Package—1082
- Redding, City of-Centennial—1904
- Royal Spragg, Eagle Scout Award—1904
- Sioux City Musketeers Hockey Club—833
- Sioux City North High School Boys Basketball Team—1082
- Sully, City of-Centennial—1082

Troy Murphy, Eagle Scout Award—1903

Underwood, City of-Centennial—1904

Wendy Fever, first place Spring 1982 landscape architecture contest—1384

Yorktown, City of-Centennial—1904

CHIEF CLERK OF THE HOUSE, Elizabeth A. Isaacson

Acknowledgment—48, 598-599

Administered oath of office—5, 218, 1058

Communications received and on file—1-2, 48, 49, 58-59, 68, 76, 94-95, 121-122, 156-157, 174, 226, 371, 387, 431, 473, 492, 534, 598-599, 639, 681, 753, 755-756, 833, 867, 893, 926, 961, 962, 988, 1016, 1046, 1081, 1208, 1447-1448, 1525, 1589, 1646, 1647-1648

Elected permanent Chief Clerk—3

Reports:

Certificate of recognition—95, 226, 493, 706, 833, 951, 1081-1082, 1383-1384, 1549, 1903-1904

Committee recommendations—87, 98, 106-107, 115-116, 143-144, 160-161, 168, 174-175, 184-185, 228, 241-242, 247-248, 285-286, 315-316, 366-368, 373, 395, 404, 432-434, 443, 458-461, 476-478, 517-519, 535-536, 563-566, 576-578, 599-600, 640-641, 682-684, 701-702, 737-739, 786-789, 818-820, 834, 848-849, 867-868, 893-895, 927, 962-963, 988-989, 1016, 1049-1051, 1108-1109, 1145-1148, 1188-1189, 1210-1212, 1283-1284, 1322, 1381-1382, 1482-1483, 1526-1527, 1550, 1590-1591, 1649-1650, 1694-1696, 1760

Conference committee reports filed—1758-1759

Enrolled bills—245-246, 272, 431, 575, 680, 736, 832, 949, 961, 1186, 1524, 1588-1589, 1694, 1911

Resolution relating to:

Senate Concurrent Resolution 137—1800, 1810-1811 adopted

Took oath of office—3

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable W. W. Reynoldson

Communications—Reports:

Rules of Civil Procedure—174

Rules of Criminal Procedure—174

Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill—174

Delivered the condition of the Judiciary Department Message—483-489

Resolution relating to the Condition of the Judiciary Department Message, HCR 115—371, 442 adopted

CHIODO, NED F.—Representative Polk County

Amendments filed—216, 242, 286, 537, 553, 928, 990, 1238, 1285, 1323, 1323-1324, 1577-1578, 1650, 1729, 1734

Amendments offered—552, 553, 1734

Amendments withdrawn—1729

Bills introduced—57, 146, 164, 179, 180, 189, 203

Escorted to the Speaker's station and presented to the House, Ni Kung-Chao, Director of the Chinese Information Service; General Stephen S. F. Chen, Director of the Coordination Council for North American Affairs, Republic of China & William Sun, Director of the Commercial Division of the Coordination Council—1488

Leave of absence—397, 1053, 1214, 1406

Resolutions offered—113, 245, 515-516, 572-573, 948, 1141-1142, 1207-1208

Subcommittee assignments—78, 79, 80, 81, 82, 83, 84, 85, 125, 126, 127, 129, 131, 134, 135, 136, 137, 138, 205, 206, 207, 208, 210, 211, 274, 276, 279, 281, 388, 700, 816, 927, 1047, 1048, 1210, 1903

CITIES, COMMITTEE ON—

Appointed—44

Bills introduced—436, 539, 569, 570

Recommendations—315, 395, 517, 563, 599, 682, 1050, 1649

Subcommittee assignments—126, 127, 129, 130, 133, 207, 209, 211, 279, 280, 388, 389, 390, 391, 474, 816

CLAIMS—

(See Claims Filed)

(See Comptroller)

(See Judiciary Committee)

(See State Appeal Board)

CLAIMS, COMMITTEE ON—

Appointment to—638

CLAIMS FILED—

(See also Comptroller of Iowa)

(See also State Appeal Board)

Claims approved—59-67

Claims disapproved—68-70, 94, 474, 1209, 1648

Claims filed—59-67, 68-70, 93-94, 473-474, 1208-1209, 1647-1648

Communications from State Comptroller—58-59, 1525

Communications from State Appeal Board—68-70, 93-94, 473-474, 1208-1209, 1525, 1647-1648

CLARK, BETTY JEAN—Representative Cerro Gordo County

Amendments filed—600, 850, 1109, 1285, 1323, 1448, 1484, 1696, 1732-1733

Amendments offered—1162, 1732

Appointed to the Title XX Statewide Advisory Committee—45

Bills introduced—57, 109, 148, 181, 196, 198, 200

Committee appointments—1701

Leave of absence—145, 217, 287, 406, 435

Reports—1804-1809

Resolutions offered—113, 515-516, 572-573, 960-961, 1141-1142

Subcommittee assignments—84, 123, 125, 126, 130, 133, 134, 135, 136, 137, 138, 139, 204, 205, 206, 207, 208, 210, 272, 273, 276, 278, 279, 1048, 1049

CLARK, JOHN H.—Representative Lee-Henry Counties

Amendments filed—895, 1109, 1149, 1285, 1537, 1698-1699, 1699

Amendments offered—1243, 1699

Bills introduced—56, 170, 181

Committee appointments—932

Leave of absence—929

Presented to the House, the Honorable Stanley T. Shepherd, former member of the House—1046

Presided at sessions of the House—1796

Resolutions offered—113, 1691-1692

Subcommittee assignments—125, 127, 133, 207, 273, 275, 277, 474

CLEMENTS, JAMES B.—Representative Scott County

Amendments filed—144, 242, 248, 286, 396, 444, 739, 835, 895, 928, 1110, 1238, 1324
Amendments offered—940

Amendments withdrawn—155, 943, 1028

Bills introduced—149, 164, 169, 170, 171, 178, 179, 180, 186, 187, 188, 192, 197, 198, 200, 203

Leave of absence—463, 1467

Resolutions offered—112, 113, 301, 515-516, 572-573, 783-784, 960-961, 1141, 1569-1570

Subcommittee assignments—125, 126, 130, 205, 209, 279, 280, 281, 388, 391, 474, 816

COCHRAN, DALE M.—Representative Humboldt-Webster Counties, Assistant Minority Floor Leader

Amendments filed—216, 286, 316, 519, 520, 537, 566, 601, 757, 835, 868, 989, 990, 1082, 1109, 1148, 1149, 1173, 1212, 1238, 1285, 1398, 1519-1520, 1535, 1650

Amendments offered—329, 336, 1519, 1535

Amendments withdrawn—336, 591, 1520

Bills introduced—57, 90, 111, 118, 164, 181, 190, 192, 196, 203

Challenged ruling of the chair—1123

Committee appointments—1582

Leave of absence—864, 875

Official delegate to attend the funeral services of the Honorable Kenneth Miller—525

Petitions presented—1020

Presented to the House, Steven Jacobs, Fort Dodge—304

Reports—1865-1874

Resolutions offered—113, 515-516, 572-573, 1141-1142, 1207-1208, 1652-1653, 1899-1900

Subcommittee assignments—80, 129, 131, 134, 138, 206, 210, 281, 389, 390, 391, 392, 1210

COMMERCE, COMMITTEE ON—

Amendments filed—107, 566, 739, 793, 794, 1019, 1550

Amendments offered—153, 882, 1197, 1294, 1561

Appointed—225

Bills introduced—88, 187, 436, 446, 526, 790, 846

Recommendations—87, 107, 184, 432-433, 458, 517, 564, 737, 786, 894, 962, 1017-1018, 1189, 1550, 1649

Subcommittee assignments—78, 79, 80, 81, 82, 83, 84, 85, 134, 136, 209, 210, 273, 274, 276, 277, 278, 280, 281, 474, 561, 564, 700, 816, 927, 1047, 1048, 1210, 1903

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See Appointments and/or Communications, subheading Reports and/or individual headings)

COMMITTEE RECOMMENDATIONS—

- Agriculture—366-367, 443, 476, 536, 641, 701-702, 755, 818, 988, 1188, 1210-1211
- Appropriations—174, 286, 819, 834, 1016-1017, 1211, 1322, 1483, 1526-1527, 1649, 1694-1695, 1704, 1748
- Cities—315, 395, 517, 563, 599, 682, 1050, 1649
- Commerce—87, 107, 184, 432-433, 458, 517, 564, 737, 786, 894, 962, 1017-1018, 1188, 1550, 1649
- County Government—160, 175, 228, 286, 367, 476-477, 576, 755, 819, 1050, 1108, 1189
- Education—98, 115, 443, 477, 536, 576-577, 641, 702, 756, 819, 867, 927, 988, 1050, 1649-1650, 1760
- Energy—367, 404, 477, 641, 756
- Ethics—577
- Human Resources—395, 433, 458-459, 517, 564, 599, 682-683, 737, 786-787, 848, 963, 1109, 1483, 1590
- Judiciary and Law Enforcement—98, 107, 143, 168, 184, 241, 247-248, 315-316, 433, 459-460, 518, 564-565, 599-600, 738, 787-788, 848-849, 894, 927, 1050-1051, 1146-1147, 1211, 1590, 1650, 1797-1798, 1799
- Labor and Industrial Relations—175, 367, 443-444, 683, 867-868, 1147
- Natural Resources—143, 168, 184-185, 460, 518, 565, 600, 739, 819-820, 1109, 1550
- Rules—144
- State Government—116, 160, 368, 395, 444, 478, 536, 578, 641, 702, 756, 788, 1018, 1051, 1147-1148, 1189, 1781, 1785
- Transportation—144, 185, 241-242, 395, 518-519, 565-566, 600, 683, 739, 788, 849, 1051, 1148, 1189, 1211-1212, 1591
- Ways and Means—161, 175, 373, 433-434, 460-461, 566, 683-684, 789, 894-895, 988-989, 1283-1284, 1381-1382, 1483, 1591, 1650, 1695-1696

COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—

(See Appointments and/or Communications, subheading Reports and/or individual headings)

COMMITTEES, SPECIAL—

- Appointments—5, 6, 9, 10, 218, 481-482, 482-483, 1058, 1905
- Escort Justices of Supreme Court and the Judges of the Appellate Court—10, 483
- Escort Representative-elect Elaine Baxter—218
- Escort Representative-elect Paul Copenhagen—1058
- Escort Representative-elect Tom Fey—5
- Escort Representatives-elect Don Knapp and Ralph Rosenberg—6
- From Senate—8, 305, 1905
- Notify and escort Chief Justice W. W. Reynoldson—483, 489
- Notify and escort Governor Robert D. Ray—6, 10, 36, 312, 1905
- Notify and escort President of the Senate—10, 306, 482
- Notify Senate—6, 9, 481-482, 1905
- Reports—8, 9, 305, 482, 1905, 1906

COMMUNICATIONS FROM—

- Appeal Board, State, claims—68-70, 93-94, 473-474, 1208-1209, 1647-1648
- Chief Justice of the Supreme Court—Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill, Rules of Criminal Procedure, & Rules of Civil Procedure—174

California, State of—867

Comptroller, claims—58-59, 1525

Governor Robert D. Ray—92

Mississippi, State of—1646

Reports:

Aging, Commission on—49, 121, 893

Citizens' Aide/Ombudsman—387

Commerce, Commission on—121

Energy Policy Council—1447-1448

Environmental Quality, Department of—833

Family Practice Education Advisory Board—371

General Services, Department of—1081

Health, Department of—95, 681, 753

Housing Finance Authority—1016

Industrial Commissioner—988

Iowa Civil Rights Commission—1

Iowa State Mining and Mineral Resources Research Institute—962

Job Service, Department of—2, 492

Judicial Retirement System (actuarial valuation)—48

Labor, Bureau of—534

Legislative Fiscal Bureau—2, 122

Merit Employment Department—1448

Planning and Programming, Office of—926, 1046

Professional and Occupational Regulation Commission—157-158

Public Instruction, Department of—2, 121

Public Safety, Department of—2, 833

Railway Finance Authority—2, 76

Regents, Board of (Ten-Year Bldg. Program)—94

Social Services, Department of—2, 94

Status of Women, Commission on—226

Supreme Court (correction of report)—598

Transportation, Department of—2, 49, 95, 226, 431, 867

Treasurer, State—2, 833

Uniform State Laws, Commission on—95

United States General Accounting Office—962

Family of the late Kenneth Miller, Representative Buchanan County—639

Representative Larry Kirkenslager (resignation)—1

Secretary of State, became law by publication—893, 926, 961, 1081, 1589, 2181-2186

Wyoming, State of—1081

COMPANION BILLS—

(See House and Senate Companion Bills listed in Legislative Index Volume)

COMPENSATION, EXPENSES AND SALARIES FOR ELECTED STATE OFFICIALS, COMMISSION ON—

Appointment to—45

COMPTROLLER OF IOWA—

Claims (approved)—59-67

Claims (disapproved)—68-70, 94, 474, 1209, 1648

Claims filed—59-67, 68-70, 93-94, 473-474, 1208-1209, 1647-1648

Communications from—58-59, 1525

CONDITION OF THE STATE MESSAGE—

Delivered by Governor Robert D. Ray—10-18

Resolution relating to, HCR 101—6-7 adopted

CONFERENCE COMMITTEES—

Appointed—1581, 1582, 1613, 1673, 1675, 1711, 1769

Changes—1645

Reports:

House File 2369—1804-1809

House File 2463—1816-1853

Senate File 2178—1876-1892

Senate File 2218—1865-1874

Reports called up:

House File 2250—1787-1788

House File 2369—1804-1809

House File 2460—1801-1803

House File 2463—1816-1853

Senate File 2178—1876-1892

Senate File 2218—1865-1874

Senate File 2245—1856-1857

Reports Filed:

House File 2250—1758

House File 2460—1758-1759

Senate File 2218—1865-1874

Senate File 2245—1856-1857

CONFIDENTIAL RECORDS COUNCIL—

Appointments to—45

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See President of the United States, Congress and/or Federal Agencies)

CONLON, WALTER—Representative **Muscataine**-Scott CountiesAmendments filed—286, 304, 373, 374, 379-380, 396, 444, 601, 757, 834, 849, 951, 1095,
1238, 1285, 1356-1362, 1382, 1448, 1484, 1527, 1650

Amendments offered—379, 381, 414, 807, 1356, 1623

Appointed to the Committee on Credentials—3

Bills introduced—37, 179, 186, 194

Committee appointments—44, 1673, 1769

Presented to the House, the Honorable Ernest W. Gilson, former member of the
House—456

Reports—4-5, 217-218, 1057-1058, 1801-1803

Resolutions offered—113, 173, 173-174, 572-573

Subcommittee assignments—78, 130, 131, 132, 134, 135, 136, 137, 138, 207, 208, 209,
210, 211, 212, 273, 274, 275, 276, 388, 389, 390, 391, 475, 816, 817, 1047, 1048,
1049, 1210, 1903CONNOLLY, MICHAEL W.—Representative **Dubuque** CountyAmendments filed—216, 228, 248, 434, 849, 989, 990, 1173, 1592, 1650, 1725-1726,
1760

Amendments offered—1291, 1725, 1769

Amendments withdrawn—446, 449

Bills introduced—57, 111, 118, 146-147, 190, 192, 194, 196, 197, 198, 200

Resolutions offered—113, 245, 515-516, 572-573, 960-961, 1141-1142, 1207-1208

Subcommittee assignments—84, 130, 131, 132, 137, 211, 212, 278, 389, 390

CONNORS, JOHN H.—Representative Polk County, Assistant Minority Floor Leader

Amendments filed—537, 556, 557, 684, 739, 868, 928, 990, 1173, 1323, 1691-1692, 1785-1786

Amendments offered—746, 993, 1785

Bills introduced—57, 164, 179, 180, 181, 189, 192, 196

Committee appointments—1905

Leave of absence—770, 1053, 1084

Petitions presented—463

Reports—8, 271, 1281

Resolutions offered—113, 173, 173-174, 515-516, 572-573, 948, 960-961, 1141-1142, 1207-1208

Subcommittee assignments—78, 209, 279, 280, 281, 391

COOK, LISLE—Representative Grundy-Hardin-Jasper-Marshall-Story Counties

Amendments filed—229, 242-243, 684, 702, 757, 868, 990, 1019, 1109, 1190, 1761

Amendments offered—875, 1103, 1414

Amendments withdrawn—875

Bills introduced—118, 150

Committee appointments—1613

Reports—1816-1853

Resolutions offered—113, 515-516, 1569-1570

Subcommittee assignments—79, 80, 82, 85, 129, 206, 209, 274, 281, 927, 1210

COPENHAVER, PAUL—Representative Black Hawk-Buchanan Counties

Committee appointments—1080

Resolutions offered—1207-1208

Took oath of office—1058

COREY, VIRGIL E.—Representative Des Moines-Henry-Louisa Counties

Amendments filed—144, 242, 374, 461, 578, 601, 757

Amendments offered—634, 650, 651

Amendments withdrawn—651

Bills introduced—36, 73, 109, 176, 186

Committee appointments—931, 1701

Reports—1804-1809

Resolutions offered—113, 572-573, 960-961

Subcommittee assignments—79, 81, 84, 132, 133, 134, 138, 211, 273, 274, 277, 279, 390, 927, 1047

COUNTY GOVERNMENT, COMMITTEE ON—

Amendments filed—161, 820, 1109

Amendments offered—222, 1055

Bills introduced—187, 317, 539, 792, 830

Recommendations—160, 175, 228, 286, 367, 476-477, 576, 755, 819, 1050, 1108, 1189

Resolutions offered—231, 574, 795-796

Subcommittee assignments—206, 212, 213, 272, 273, 274, 275, 277, 279, 474

CRABB, FRANK—Representative **Crawford-Harrison-Monona** Counties

Amendments filed—242, 519, 989, 990, 997, 1190, 1285, 1323-1324, 1324

Amendments offered—994

Amendments withdrawn—1264-1265, 1371

Bills introduced—37, 38, 39, 40, 73, 90, 102, 118, 179, 181

Committee appointments—44

Escorted to the Speaker's station and presented to the House Julie Kuhlman, Iowa's Junior Miss for 1982—103

Leave of absence—217, 397, 1754

Presented to the House, the Honorable William Darrington, former member of the House—1589

Resolutions offered—113, 167, 284-285, 515-516, 572-573, 965-966, 1900-1901

Subcommittee assignments—84, 123, 124, 127, 128, 129, 130, 131, 134, 135, 137, 138, 205, 206, 208, 209, 274, 276, 277, 279, 280, 281, 388

CREDENTIALS, COMMITTEE ON—

Appointed—3

Report—4

Reports adopted—5, 218, 1058

Supplemental reports—217-218, 1057-1058

DAGGETT, HORACE—Representative **Adams-Montgomery-Page-Ringgold-Taylor** Counties

Amendments filed—229, 242, 493, 519, 895, 1051, 1121, 1149, 1285, 1324, 1702

Amendments offered—522, 1113, 1702

Bills introduced—36, 55, 73, 91, 118, 147, 198, 199, 200

Committee appointments—544, 1711

Leave of absence—1528

Presided at sessions of the House—943

Reports—1856-1857

Resolutions offered—113, 284-285, 874, 1569-1570

Subcommittee assignments—130, 133, 138, 207, 208, 210, 211, 212, 275, 276, 279, 388, 389, 390, 391, 392, 816

DANKER, ARLYN E.—Representative **Harrison-Pottawattamie-Shelby** Counties

Amendments filed—242, 983, 989, 1238, 1450, 1761

Amendments offered—983

Bills introduced—55, 110, 181

Committee appointments—1675

Leave of absence—397, 714, 777, 1385

Presented to the House, Angela Degen and Peter Siegert, West Berlin, members of the Friendship Force—1237

Presented to the House, the Honorable William E. Darrington, former member of the House—442

Reports—1787-1788

Resolutions offered—113, 284-285, 1569-1570

Subcommittee assignments—83, 124, 127, 136, 208, 210, 275, 475, 1903

DAVITT, PHILIP A.—Representative **Adair-Clarke-Dallas-Madison-Warren** Counties

Amendments filed—229, 243, 248, 286, 316, 365, 519, 520, 537, 566-567, 567, 601, 739, 757, 868, 989, 1173, 1238, 1323, 1324, 1449, 1500, 1739

Amendments offered—324, 591, 592, 593, 1500

Amendments withdrawn—592, 1739

Bills introduced—38, 57, 170, 179, 195, 196, 201

Leave of absence—929, 1528

Petitions presented—369

Presented to the House, Mrs. Rita Benzel, Moni and Ricci, West Berlin, members of the Friendship Force—1237

Replace Lloyd-Jones of Johnson on conference committee to consider Senate File 2218—1645

Reports—1865-1874

Resolutions offered—113, 301-302, 515-516, 572-573, 960-961, 1141-1142, 1207-1208, 1692-1693, 1899-1900

Subcommittee assignments—127, 131, 133, 208, 561

DE GROOT, KENNETH—Representative Lyon-Sioux Counties

Amendments filed—229, 242-243, 444, 493, 519, 702, 835, 868, 895, 928, 1051, 1149, 1323, 1484, 1551, 1650

Amendments offered—446, 923, 973, 1009, 1010, 1123

Appointed to the Title XX Statewide Advisory Committee—45

Bills introduced—150, 169, 176, 179, 181

Committee appointments—1711

Reports—1856-1857

Resolutions offered—113, 1569-1570

Subcommittee assignments—129, 210, 211, 275, 276, 279, 1049, 1210

DIELEMAN, WM. W. (Bill)—Representative Jasper-Mahaska-Marion-Poweshiek Counties

Amendments filed—216, 493, 895, 928, 1083, 1173, 1212, 1238, 1324, 1791

Amendments offered—1171, 1791

Bills introduced—57, 111, 118, 179, 181, 192, 196

Committee appointments—305, 1581, 1905

Leave of absence—790

Petitions presented—952

Presented to the House, Nancy Thies, Queen of the 1982 Pella Tulip Festival—1410
Reports—1876-1892

Resolutions offered—113, 245, 301-302, 515-516, 572-573, 1141-1142, 1207-1208, 1501, 1532-1533, 1569-1570

Subcommittee assignments—84, 123, 124, 125, 126, 128, 129, 130, 131, 134, 135, 136, 205, 206, 208, 209, 210, 274, 275, 276, 277, 278, 279, 280, 281, 389, 390, 391, 817, 927, 1047, 1049, 1210

DIEMER, MARVIN E.—Representative Black Hawk County

Amendments filed—242, 257-259, 739, 990, 1051, 1212, 1238

Amendments offered—1400

Bills introduced—40, 89, 90, 179, 181

Committee appointments—305

Petitions presented—249

Reports—8, 271, 1281

Resolutions offered—113, 960-961

Subcommittee appointments—75

Subcommittee assignments—83, 85, 127, 129, 131, 132, 133, 134, 137, 208, 210, 211, 278, 279, 280, 388, 389, 390

DODERER, MINNETTE—Representative Johnson County

Amendments filed—216, 229, 232-233, 286, 356, 374, 380, 396, 402, 404, 434, 444, 556,
557, 578, 600, 642, 664, 757, 779, 789, 820, 849, 895, 896, 928, 989, 990, 1110,
1173, 1238, 1285, 1323, 1429, 1448, 1449, 1484, 1550, 1578, 1592, 1711-1712

Amendments offered—232, 236, 659, 661, 664, 666, 779, 888, 935, 938, 992, 1429, 1471,
1623

Amendments withdrawn—380, 415, 938, 1578

Bills introduced—150-151, 178, 179, 186, 188, 193, 195, 196, 197

Committee appointments—1673

Leave of absence—826

Resolutions offered—113, 173, 301-302, 515-516, 572-573, 960-961, 1141-1142,
1207-1208, 1691-1692, 1692-1693

Subcommittee assignments—84, 123, 126, 130, 132, 137, 139, 204, 205, 206, 207, 208,
209, 211, 212, 213, 272, 273, 274, 276, 278, 280, 815, 1047

EDUCATION, COMMITTEE ON—

Amendments filed—868

Amendments offered—1113

Appointed—75, 93

Bills introduced—102, 117, 149, 490, 522, 539, 569, 579, 602-603, 644, 707, 790, 791

Recommendations—98, 115, 443, 477, 536, 576-577, 641, 702, 756, 819, 867, 927, 988,
1050, 1649-1650, 1760

Resolutions offered—1607-1608

Subcommittee assignments—84, 125, 126, 127, 128, 129, 130, 135, 204, 205, 207, 210,
211, 212, 213, 215, 273, 274, 275, 277, 279, 475, 561, 816, 1047

EGENES, SONJA—Representative Boone-Hamilton-Story-Webster Counties

Amendments filed—242-243, 739, 1285, 1323-1324, 1696

Bills introduced—89, 101

Leave of absence—445, 463, 479, 494, 521, 879, 929, 1214

Resolutions offered—113, 572-573, 1691-1692

Subcommittee assignments—78, 81, 82, 123, 132, 133

EMPLOYEES—

(See Officers and Employees)

ENERGY, COMMITTEE ON—

Amendments filed—405, 757

Amendments offered—1033

Appointed—44, 225

Bills introduced—196, 406, 521, 645

Recommendations—367, 404, 477, 641, 756

Resolutions offered—320-321

Subcommittee assignments—124, 125, 127, 128, 129, 131, 132, 138, 208, 391, 1047

ENERGY POLICY COUNCIL—

Communication from—1447-1448

ENROLLED BILLS—

(See Bills, Sent to the Governor, Chief Clerk of the House, Elizabeth A. Isaacson
and/or Speaker of the House, Delwyn Stromer)

ETHICS, COMMITTEE ON—

Bills introduced—767

Recommendations—577

EXPLANATIONS OF VOTE—

House Concurrent Resolution 116-Representative Howell—926

House File 84-Representative Connolly—950

House File 396-Representative Krewson—303

House File 748-Representative Krewson—303

House File 808-Representative Lind—950

House File 823-Representative Binneboese—516

House File 2003-Representative Krewson—303

House File 2027-Representative Krewson—303

House File 2067-Representative Johnson of Linn—442

House File 2090-Representative Smith—1903

House File 2111-Representatives Johnson of Linn & Jay—735

House File 2112-Representative Sullivan—238

House File 2147-Representative Sullivan—238

House File 2154-Representative Lind—950

House File 2171-Representative Walter—700

House File 2335-Representative Johnson of Linn—442

House File 2336-Representative Dieleman—832

House File 2337-Representative Johnson of Linn—442

House File 2338-Representative Johnson of Linn—442

House File 2339-Representative Johnson of Linn—442

House File 2345-Representative Johnson of Linn—442

House File 2347-Representative Johnson of Linn—442

House File 2356-Representatives De Groot & Poncy—492

House File 2363-Representative Johnson of Linn—866

House File 2363-Representative Shull—950

House File 2376-Representative Howell—681

House File 2386-Representative Johnson of Linn—735

House File 2387-Representative Johnson of Linn—735

House File 2395-Representative Maulsby—865

House File 2395-Representative Johnson of Linn—866

House File 2395-Representative Shull—950

House File 2396-Representative Dieleman—832

House File 2397-Representative Maulsby—865

House File 2397-Representative Johnson of Linn—866

House File 2397-Representative Shull—950

House File 2398-Representative Johnson of Linn—866

House File 2398-Representative Shull—950

House File 2398-Representative Hoffmann-Bright—1481

House File 2407-Representative Johnson of Linn—735

House File 2410-Representative Johnson of Linn—735

House File 2410-Representative Connolly—753

House File 2416-Representative Johnson of Linn—735

House File 2418-Representative Johnson of Linn—735

House File 2420-Representatives Poffenberger & Johnson of Linn—735

House File 2422-Representative Johnson of Linn—735

House File 2422-Representative Howell—736

House File 2424-Representative Johnson of Linn—866
House File 2424-Representative Shull—950
House File 2425-Representative Howell—1107
House File 2426-Representative Dieleman—865
House File 2426-Representative Johnson of Linn—866
House File 2426-Representative Shull—950
House File 2427-Representative Lind—1107
House File 2430-Representative Johnson of Linn—866
House File 2430-Representative Shull—950
House File 2431-Representative Johnson of Linn—866
House File 2431-Representative Shull—950
House File 2432-Representative Johnson of Linn—866
House File 2432-Representative Shull—950
House File 2435-Representative Shull—950
House File 2437-Representative Howell—926
House File 2437-Representative Lind—950, 1525
House File 2439-Representative Holt—987
House File 2441-Representative Lind—950
House File 2442-Representative Howell—926
House File 2463-Representative Lind—950
House File 2465-Representative Howell—1107
House File 2466-Representative Mann—1015
House File 2469-Representative Mann—1015
House File 2472-Representative Carl—1209
House File 2474-Representative Dieleman—1481
House File 2475-Representative Dieleman—1481
House File 2476-Representative Dieleman—1481
House File 2477-Representative Johnson of Linn—1549
House File 2477-Representative Dieleman—1589
House File 2479-Representative Smith—1903
House File 2483-Representative Johnson of Linn—1549
House File 2484-Representative Schneklloth—1481
House File 2495-Representative Poffenberger—1759
House File 2495-Representative Smith—1903
House File 2498-Representative Smith—1903
House File 2498, motion to table-Representative Smith—1903
House File 2498, H-6053-Representative Smith—1903
Senate File 24-Representative Howell—1107
Senate File 26-Representative Howell—1107
Senate File 217-Representative Johnson of Linn—442
Senate File 260-Representative Howell—1107
Senate File 294-Representative Sullivan—238
Senate File 312-Representative Howell—1107
Senate File 367-Representative Lind—1107
Senate File 396-Representative Lind—1107
Senate File 397-Representative Sullivan—238
Senate File 399-Representative Krewson—303
Senate File 400-Representative Poffenberger—814
Senate File 400-Representative Dieleman—832
Senate File 474-Representative Johnson of Linn—442
Senate File 482-Representative Lonergan—1283

Senate File 487-Representative Krewson—303
Senate File 490-Representative Johnson of Linn—442
Senate File 494-Representative Krewson—303
Senate File 499-Representatives Johnson of Linn & Jay—735
Senate File 535-Representative Lind—1107
Senate File 536-Representative Howell—1107
Senate File 537-Representative Howell—1107
Senate File 549-Representative Swearingen—1447
Senate File 558-Representative Lind—1107
Senate File 574-Representative Johnson of Linn—442
Senate File 578-Representative Howell—1321
Senate File 579-Representative Dieleman—832
Senate File 2040-Representative Copenhaver—1107
Senate File 2046-Representative Lind—1107
Senate File 2068-Representative Howell—1107
Senate File 2077-Representative Howell—1107
Senate File 2086-Representative Howell—1107
Senate File 2091, H-5537-Representative Corey—1525
Senate File 2091-Representative Corey—1525
Senate File 2097-Representative Johnson of Woodbury—1046
Senate File 2097-Representative Howell—1107
Senate File 2100-Representative Lind—1107
Senate File 2101-Representative Dieleman—832
Senate File 2126-Representative Johnson of Linn—442
Senate File 2155-Representative Johnson of Linn—735
Senate File 2163-Representative Lind—1107
Senate File 2172-Representative Lonergan—1283
Senate File 2178, H-5627 to H-5583-Representative Copenhaver—1188
Senate File 2182-Representative Lind—1107
Senate File 2197-Representative Lind—1107
Senate File 2201-Representative Howell—1107
Senate File 2203-Representative Lonergan—1283
Senate File 2216-Representative Lind—1107
Senate File 2231-Representative Howell—1107
Senate File 2242-Representative Lonergan—1283
Senate File 2245-Representative Lonergan—1283
Senate File 2245, conference committee report-Representative Corey—1903
Senate File 2245-Representative Corey—1903
Senate File 2252-Representative Holt—987
Senate File 2260-Representative Swearingen—1381
Senate File 2270-Representative Hoffmann-Bright—1381
Senate File 2281-Representative Lonergan—1283
Senate File 2282-Representative Poffenberger—1107
Senate File 2304, H-5996-Representative Smith—1903
Senate File 2304-Representative Smith—1903
Senate File 2304, H-6015-Representative Stueland—1903
Senate File 2309-Representative Smith—1903

FEDERAL AGENCIES—

(See President of the United States, Congress and/or Federal Agencies)

FEY, THOMAS H.—Representative Scott County

Amendments filed—601, 757, 989, 990, 1019, 1051, 1148, 1173, 1238, 1323

Amendments offered—1276, 1300

Bills introduced—111, 118, 119, 146, 192, 193, 196, 200

Committee appointments—44

Resolutions offered—113, 245, 515-516, 572-573, 830-831, 1141-1142, 1207-1208, 1692-1693

Subcommittee appointments—44

Subcommittee assignments—83, 126, 208, 278, 279, 280, 281, 391, 816

Took oath of office—5

GENERAL ASSEMBLY—HOUSE—

(See also Rules, Committee On, House Administration Committee in the General Index and/or House Concurrent Resolutions, House Resolutions and Senate Concurrent Resolutions listed in Legislative Index Volume)

Resolutions relating to:

House Concurrent Resolution 114, oppose accelerated decontrol of natural gas prices—320-321, 891 adopted

House Concurrent Resolution 118, evaluate impact of proposed legislation on Iowa families—542-543, 895, 923-924 adopted

House Concurrent Resolution 123, "Iowa Nutrition Week", March 21-27, 1982—638, 761 adopted

House Concurrent Resolution 124, salary increases, program expansion and institution—699

House Concurrent Resolution 127, adjourn Friday 19, 1982; special session June 14, 1982-760-761, 868, 891 withdrawn

House Concurrent Resolution 135, petition President and Congress, nuclear arms objective, halt or control—960-961, 1105

House Concurrent Resolution 139, "Family Week"—1141

House Concurrent Resolution 143, "Reading Month in Iowa"—1453, 1486 adopted

House Concurrent Resolution 150, repeal SJR 1 (1979 session), constitutional convention; favor balanced budget—1691-1692, 1760, 1761

GETTINGS, DONALD E.—Representative Appanoose-Davis-Wapello Counties

Amendments filed—216, 304, 895, 1051, 1111, 1149, 1173, 1285, 1605, 1789-1790

Amendments offered—1163, 1605

Bills introduced—57, 164, 179, 180, 181

Committee appointments—544, 932

Official delegate to attend the funeral services of the Honorable Kenneth Miller—525

Resolutions offered—58, 113, 173, 245, 515-516, 572-573, 1207-1208

Subcommittee assignments—82, 135, 273, 278, 279, 561

GIFTS—

(See Awards and Gifts)

GOVERNOR RAY, ROBERT D.—

Addressed joint convention—10-36, 306-307

Bills signed by—182, 302-303, 371, 456, 598, 638-639, 700, 736-737, 785, 832, 987, 1045-1046, 1080, 1106-1107, 1237, 1282-1283, 1383, 1547-1548, 1588, 1646, 1693, 1901-1902

Closing message—1906-1911
Committees to escort—10, 36
Committees to notify—6, 10, 1905
Communication from (Proclamation)—92
Delivered Condition of the State and Budget Messages—10-36
Item veto messages—2173-2181
Presented to the joint convention the President of the United States Ronald Reagan—306
Recommendations of—18-35
Remarks by—306-307
Resolution relating to Condition of the State and Budget Messages, HCR 101—6-7 adopted
Resolutions relating to:
House Concurrent Resolution 101—6-7 adopted
House Concurrent Resolution 130—794-795, 835, 973 adopted
Veto messages—490-491, 2164-2173

GROSS, L. W. JOE—Representative Clarke-Decatur-Madison-**Ringgold**-Union-Wayne Counties

Amendments filed—242, 242-243, 434, 444, 578, 1019, 1110, 1149, 1238, 1324
Amendments offered—1215, 1216, 1217
Bills introduced—55, 181
Committee appointments—6, 1711
Leave of absence—72, 479, 1762
Reports—1856-1857
Resolutions offered—113, 515-516
Subcommittee assignments—133, 134, 136, 206, 207, 212, 213, 273, 274, 276, 277, 279, 392, 474, 1048, 1049, 1210, 1526

GROTH, RICHARD—Representative Buena Vista-Cherokee-Clay-O'Brien-Palo Alto-Pocahontas Counties

Amendments filed—216, 229, 519, 556, 557, 1083, 1110, 1148, 1173, 1285, 1601, 1603-1604, 1604, 1696, 1718-1719, 1726
Amendments offered—1601, 1603, 1766
Amendments withdrawn—1603, 1726
Bills introduced—37, 57, 108, 164, 179, 187, 193
Resolutions offered—113, 173, 515-516, 572-573, 960-961, 1141-1142, 1207-1208
Subcommittee assignments—83, 85, 130, 210, 212, 275, 278, 279, 816

HALL, HURLEY W.—Representative Linn County

Amendments filed—216, 461, 537, 706, 990, 1111, 1173, 1212, 1238, 1285, 1323
Amendments offered—752, 1374, 1375
Amendments withdrawn—1371
Bills introduced—57, 90, 91, 119, 181, 187
Leave of absence—875
Petitions presented—1084, 1150
Resolutions offered—113, 245, 1207-1208
Subcommittee assignments—79, 80, 81, 82, 85, 131, 132, 133, 273, 275, 388, 389, 390, 392

HALVORSON, RODNEY N.—Representative Webster County

Amendments filed—519, 567, 989, 1000-1001, 1051, 1110, 1173, 1448

Amendments offered—414, 1000, 1092

Bills introduced—57, 181, 189, 193, 200

Resolutions offered—113, 515-516, 960-961, 1141-1142, 1692-1693

Subcommittee assignments—78, 79, 80, 81, 82, 84, 123, 124, 125, 126, 127, 128, 129, 130, 134, 137, 207, 208, 209, 280, 390

HALVORSON, ROGER A.—Representative Allamakee-Clayton-Winneshiek Counties, Assistant Majority Floor Leader

Amendments filed—229, 242, 286, 304, 373, 374, 412-413, 519, 520, 600, 642, 697, 849, 990, 1323, 1356-1362, 1637, 1650, 1761

Amendments offered—250, 377, 409, 412, 669, 688, 871, 1099, 1271, 1331, 1637

Amendments withdrawn—1637

Bills introduced—39, 73, 150, 186, 189, 201

Committee appointments—1769

Leave of absence—875

Official delegate to attend the funeral services of the Honorable Kenneth Miller—525

Presented to the House, foreign exchange student, Sean Charters, Johannesburg, South Africa—1646

Presided at sessions of the House—270

Resolutions offered—113, 284-285, 515-516, 960-961, 1652-1653

Subcommittee appointments—75

Subcommittee assignments—78, 80, 81, 82, 83, 84, 85, 131, 132, 134, 135, 136, 137, 138, 205, 209, 210, 211, 273, 275, 281, 391, 474, 561, 815, 816, 1046, 1047, 1048, 1210, 1903

HANSEN, INGWER L.—Representative Clay-Dickinson-Lyon-O'Brien-Osceola-Sioux Counties, Assistant Majority Floor Leader

Amendments filed—144, 242, 434, 448, 493, 963, 1019, 1110, 1306, 1323, 1324, 1650, 1674, 1710

Amendments offered—448, 1005, 1674, 1710

Amendments withdrawn—1674

Bills introduced—146, 181

Leave of absence—51, 72

Presented to the House, the Honorable C. Raymond Fisher, former member of the House—736

Presided at sessions of the House—647, 1272, 1375, 1791

Resolutions offered—113, 173, 515-516, 572-573, 1569-1570

Rulings made—650, 1275

Subcommittee assignments—79, 80, 82, 83, 272, 474, 561, 927

HANSON, DARRELL R.—Representative Clayton-Delaware-Dubuque-Fayette Counties

Amendments filed—229, 232, 242, 396, 461, 537, 789, 834, 868, 896, 990, 1051, 1110, 1285, 1448, 1576-1577

Amendments offered—224, 439, 497, 1055, 1174

Bills introduced—148, 170, 178, 201

Committee appointments—6

Presided at sessions of the House—156

Resolutions offered—113, 301-302, 515-516, 960-961, 1207-1208

Subcommittee assignments—78, 81, 82, 84, 85, 123, 124, 125, 126, 127, 128, 129, 130, 131, 137, 204, 205, 206, 208, 209, 210, 211, 212, 272, 273, 276, 277, 389, 390, 474, 1048, 1049

HARBOR, WILLIAM H.—Representative Fremont-Mills-Montgomery-Page Counties

Amendments filed—242, 373, 434, 461, 520, 642, 702, 757, 820, 850, 868, 951, 963, 1109, 1212, 1238, 1323-1324, 1484, 1650, 1732, 1752, 1761

Amendments offered—437, 744, 971, 982, 1065, 1117, 1193, 1196, 1518

Amendments withdrawn—1732

Bills introduced—37, 55, 101, 146, 147, 149, 179, 181, 186

Leave of absence—758, 879

Reports—4-5, 217-218, 1057-1058

Resolutions offered—113, 284-285, 515-516, 572-573

Subcommittee assignments—83, 123, 125, 127, 129, 130, 131, 137, 138, 204, 205, 206, 207, 208, 276, 279, 280, 281, 390, 700, 1046, 1049

HOFFMANN-BRIGHT, BETTY A.—Representative Johnson-Louisa-Muscatine Counties, Assistant Majority Floor Leader

Amendments filed—242-243, 434, 739, 895, 990, 1018, 1019, 1323, 1650

Amendments offered—453, 762, 1059, 1087

Committee appointments—931

Presided at sessions of the House—1734

Resolutions offered—113, 572-573, 931, 931-932, 932

Subcommittee assignments—78, 79, 81, 82, 83, 84, 125, 126, 127, 128, 129, 131, 135, 136, 138, 205, 206, 208, 210, 211, 212, 276, 277, 279, 280, 281, 388, 700, 815, 816, 817, 1048, 1049

HOLT, LEANDER (LEE)—Representative Clay-Dickinson-Emmet-Palo Alto Counties

Amendments filed—242, 578

Amendments offered—605

Amendments withdrawn—922

Bills introduced—90, 170, 181

Leave of absence—145, 955, 971, 1020

Presented to the House, Cara Lyn Klein, Miss Teenworld for 1982—1698

Resolutions offered—113, 515-516, 960-961

Subcommittee assignments—78, 81, 82, 83, 85, 128, 134, 206, 210, 277, 278, 474, 475, 561, 1047

HORN, WALLY E.—Representative Linn County

Amendments filed—461, 462, 519, 600, 601, 990, 1018, 1083, 1109, 1111, 1148, 1149, 1173, 1285, 1323-1324, 1650, 1724, 1725

Amendments offered—648, 651, 652, 1089, 1176, 1724, 1767

Amendments withdrawn—1725

Bills introduced—36, 38, 109, 110, 164, 177, 192

Resolutions offered—84, 113, 572-573, 1141-1142, 1207-1208

Subcommittee assignments—128, 209, 390

HOUSE ADMINISTRATION COMMITTEE—

Reports—45-48, 121, 1321

Resignations—1321

HOWELL, ROLLIN K.—Representative Cerro Gordo-Floyd-Mitchell Counties

Amendments filed—216, 304, 600, 601, 963, 1148, 1149, 1173, 1190, 1238

Amendments offered—647, 648, 658

Bills introduced—57, 111, 118, 119, 150, 164, 170, 177, 196

Leave of absence—568, 862, 1010, 1521, 1528, 1718, 1762

Resolutions offered—113, 173, 245, 515-516, 525, 572-573, 960-961, 1141-1142,
1207-1208, 1899-1900

Subcommittee assignments—127, 131, 132, 133, 135, 138, 212, 272, 278, 389, 1047

HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—963, 1484

Amendments offered—1215, 1536

Appointed—44

Bills introduced—471, 571, 686, 703, 759, 768, 790, 791

Recommendations—395, 433, 458-459, 517, 564, 599, 682-683, 737, 786-787, 848, 963,
1109, 1483, 1590

Resolutions offered—542-543

Subcommittee assignments—136, 206, 207, 210, 211, 212, 213, 275, 276, 277, 279, 280,
281, 390, 391, 392, 564, 1048, 1049, 1526

HUMMEL, KYLE—Representative Benton-Black Hawk-Buchanan-Linn-Tama Counties

Amendments filed—229, 232, 242, 242-243, 519, 520, 642, 757, 834, 835, 850, 868, 963,
1124, 1238, 1285, 1448, 1550, 1551, 1702, 1760, 1774Amendments offered—591, 594, 838, 876, 877, 956, 968, 971, 1012, 1264, 1555, 1558,
1772, 1773

Amendments withdrawn—591, 862, 877, 955, 1012, 1582

Bills introduced—37, 39, 74

Committee appointments—1058

Official delegate to attend the funeral services of the Honorable Kenneth
Miller—525

Resolutions offered—113

Subcommittee appointments—75

Subcommittee assignments—78, 79, 80, 81, 82, 83, 84, 85, 125, 132, 133, 135, 136, 207,
209, 273, 277, 278, 280, 281, 474, 561, 566, 1210, 1903

INTERIM COMMITTEES—

(See also Legislative Council and/or Study Committees)

Resolutions relating to:

House Concurrent Resolution 120—574

House Concurrent Resolution 125—734-735

House Concurrent Resolution 126—749

House Concurrent Resolution 136—965-966

House Concurrent Resolution 137—986-987

House Concurrent Resolution 140—1141-1142

House Concurrent Resolution 141—1281-1282

House Concurrent Resolution 142—1411-1412, 1550

House Concurrent Resolution 145—1532-1533
 House Concurrent Resolution 146—1569-1570, 1693
 House Concurrent Resolution 147—1570
 House Concurrent Resolution 148—1607-1608
 House Concurrent Resolution 149—1652-1653
 House Concurrent Resolution 152—1899-1900
 Senate Concurrent Resolution 136—1783, 1784-1785, 1796 adopted
 Senate Concurrent Resolution 137—1800, 1810-1811 adopted

INTRODUCTION OF BILLS—

(See Bills, Introduction of, and/or individual listings)

JAY, DANIEL—Representative **Appanoose**-Clarke-Lucas-Monroe-Wayne Counties
 Amendments filed—216, 229, 519, 529, 601, 706, 868, 895, 951, 990, 1051, 1148, 1149,
 1238, 1285, 1323, 1324, 1382, 1412-1413, 1550, 1789-1790
 Amendments offered—529, 670, 879, 1095, 1789
 Amendments withdrawn—1579
 Bills introduced—57, 179, 191, 193, 201
 Committee appointments—1613, 1701
 Leave of absence—145, 1214
 Reports—1804-1809
 Resolutions offered—113, 515-516, 572-573, 960-961, 1207-1208, 1692-1693
 Subcommittee assignments—78, 80, 82, 84, 85, 127, 128, 130, 132, 138, 206, 207, 210,
 277, 281, 474, 475, 561, 1047, 1049

JOB SERVICE OF IOWA—

Communications from—2, 492

JOCHUM, THOMAS J.—Representative **Dubuque** County
 Amendments filed—216, 242, 990, 1711-1712, 1733, 1739
 Amendments offered—1711, 1733, 1739
 Amendments withdrawn—1717, 1739
 Bills introduced—57, 146-147, 164, 181, 197, 198
 Committee appointments—6
 Presented to the House, foreign exchange student, Jerome Borgeat from Sion,
 Switzerland—753
 Resolutions offered—113, 173-174, 515-516, 572-573, 960-961, 1207-1208
 Subcommittee assignments—78, 79, 83, 84, 85, 280, 391, 392, 561, 1903

JOHNSON, JAMES—Representative Chickasaw-Floyd-Howard-Mitchell Counties

Amendments filed—242-243, 706, 1110, 1238, 1323, 1324, 1592, 1650
 Amendments offered—727
 Bills introduced—38, 90, 176, 177
 Leave of absence—117, 145, 929
 Presentation of gifts—1855
 Presented to the House, Mrs. Shirley Miller, wife of the former state Represent-
 ative Kenneth Miller, her granddaughter Sonja and Linda Jackson, executive
 director of the Iowa Cancer Society—1150
 Reports—45-48, 121, 1321
 Resolutions offered—113, 515-516, 1569-1570
 Subcommittee assignments—127, 132, 133, 136, 138, 204, 207, 211, 273, 274, 275, 277,
 561, 816, 1048, 1049, 1210

JOHNSON, ROBERT M. L.—Representative Linn County

Amendments filed—87, 107, 175, 242, 242-243, 286, 304, 493, 519, 664, 739, 868, 880, 928, 951, 990, 1019, 1051, 1110, 1149, 1238, 1284, 1285, 1323, 1323-1324, 1324, 1433, 1448, 1635, 1650, 1904

Amendments offered—153, 531, 532, 582, 664, 879, 1022, 1071, 1294, 1389, 1433, 1635

Amendments withdrawn—880, 1389

Bills introduced—38, 91, 170, 178, 181

Committee appointments—481-482

Leave of absence—3, 397, 703, 721, 821, 1528

Resolutions offered—113, 515-516, 960-961

Subcommittee assignments—78, 79, 80, 81, 82, 84, 85, 127, 129, 130, 133, 134, 207, 209, 210, 211, 273, 274, 275, 280, 281, 388, 700, 816, 927, 1047, 1048, 1210, 1903

JOHNSON, WARREN—Representative Monona-Woodbury Counties

Amendments filed—242, 1212, 1238, 1285

Amendments offered—1417

Bills introduced—148, 181, 199

Committee appointments—931-932, 1675

Reports—1787-1788

Resolutions offered—113, 167, 965-966

Subcommittee assignments—126, 127, 130, 135, 204, 208, 209, 212, 273, 275, 276, 279, 281, 816

JOINT CONVENTIONS—

Condition of the State and Budget Messages by Governor Robert D. Ray—10-36

Remarks by President of the United States Ronald Reagan—306-312

Resolutions relating to:

House Concurrent Resolution 101, Condition of the State and Budget Messages—6-7 adopted

House Concurrent Resolution 111, remarks by the President of the United States Ronald Reagan—285, 287 adopted

House Concurrent Resolution 115, Condition of the Judicial Department Message—371, 442 adopted

State of the Judicial Department Message by Chief Justice W. W. Reynoldson—482-489

JUDICIARY AND LAW ENFORCEMENT, COMMITTEE ON—

Amendments filed—107, 849, 895, 928, 1051, 1148, 1149, 1212

Amendments offered—261, 1073, 1092, 1099, 1261, 1267, 1271, 1331

Appointed—44, 157

Bills introduced—117, 150, 186, 189, 190, 225, 230, 271, 321, 370, 376, 446, 472, 522, 538, 540, 570, 579, 603, 644, 686, 758, 758-759, 759, 768, 791, 792, 793, 794, 846, 944

Recommendations—98, 107, 143, 168, 184, 241, 247-248, 315-316, 433, 459-460, 518, 564-565, 599-600, 683, 738, 787-788, 848-849, 894, 927, 1050-1051, 1146-1147, 1211, 1590, 1650, 1797-1798, 1799

Resolutions offered—734-735, 784

Subcommittee assignments—123, 126, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 205, 206, 207, 208, 209, 210, 211, 212, 273, 274, 275, 276, 277, 278, 280, 391, 392, 474, 475, 561, 815, 816, 1047, 1048, 1049, 1210, 1903

KNAPP, DONALD—Representative Delaware-Dubuque-Jackson-Jones Counties

Amendments filed—519, 520, 537, 566-567, 1082, 1173

Bills introduced—111, 119, 146-147, 192, 196, 198, 200

Committee appointments—44

Resolutions offered—113, 245, 515-516, 960-961, 1207-1208, 1692-1693

Subcommittee appointments—44

Subcommittee assignments—124, 135, 210, 211, 275, 276, 927, 1049, 1210

Took oath of office—5

KREWSON, LYLE R.—Representative Polk CountyAmendments filed—242-243, 396, 404-405, 444, 595, 601, 706, 739, 868, 989, 990,
1000-1001, 1110, 1149, 1238, 1285, 1323, 1324, 1364-1365, 1382, 1457-1458,
1550-1551, 1696, 1760, 1761Amendments offered—595, 726, 801, 802, 811, 872, 999, 1179, 1180, 1364, 1402, 1457,
1536

Amendments withdrawn—255, 449, 747, 802

Bills introduced—148, 178, 180, 198, 200, 201

Committee appointments—6

Leave of absence—249, 568

Resolutions offered—113, 301-302, 515-516, 948, 948-949, 960-961, 1141-1142,
1691-1692Subcommittee assignments—84, 127, 130, 133, 136, 206, 207, 212, 213, 277, 280, 389,
390, 392, 475, 561, 1047, 1048, 1049, 1526**LABOR AND INDUSTRIAL RELATIONS, COMMITTEE ON—**

Amendments offered—1264

Appointed—103

Bills introduced—376, 402, 436

Recommendations—175, 367, 443-444, 817, 867-868, 1147

Subcommittee assignments—78, 83, 84, 85, 207, 211, 390, 391

LABOR AND INDUSTRIAL RELATIONS, SUBCOMMITTEES—

Appointments—75

LAGESCHULTE, RAYMOND—Representative Black Hawk-Bremer-Butler-Floyd CountiesAmendments filed—396, 520, 757, 765-766, 766, 849, 928, 963, 1449, 1463-1464, 1505,
1715-1716, 1730, 1761

Amendments offered—765, 1242, 1463, 1715, 1730

Amendments withdrawn—1463

Bills introduced—90, 150, 164, 179

Leave of absence—1053

Presented to the House, Dottie Heering, Waverly-Shell Rock Community School
District, Iowa's Reading Teacher of the Year—1485

Presented to the House, foreign exchange student Tiina Saukkonen, Finland—1589

Resolutions offered—113, 515-516, 572-573, 1453

Subcommittee assignments—82, 83, 84, 123, 124, 125, 127, 129, 130, 131, 134, 204,
205, 206, 207, 208, 209, 210, 274, 275, 276, 277, 278, 279, 391, 1049, 1903

LEAVE OF ABSENCE—

3, 36, 51, 72, 88, 117, 145, 217, 249, 260, 287, 375, 397, 406, 435, 445, 452, 463, 479, 494,
521, 538, 568, 579, 649, 654, 703, 714, 721, 741, 758, 770, 777, 790, 821, 826, 836,
851, 862, 864, 875, 879, 929, 955, 971, 999, 1010, 1020, 1053, 1084, 1179, 1191,
1214, 1215, 1221, 1239, 1290, 1296, 1330, 1385, 1402, 1406, 1450, 1467, 1504,
1521, 1528, 1593, 1651, 1697, 1700, 1718, 1725, 1754, 1762, 1804

LEGISLATIVE COUNCIL COMMITTEE—

(See also Study Committees)

Appointments to—44

House Concurrent Resolution 120—574
House Concurrent Resolution 125—734-735
House Concurrent Resolution 126—749
House Concurrent Resolution 134—948-949
House Concurrent Resolution 136—965-966
House Concurrent Resolution 137—986-987
House Concurrent Resolution 140—1141-1142
House Concurrent Resolution 141—1281-1282
House Concurrent Resolution 142—1411-1412, 1550
House Concurrent Resolution 145—1532-1533
House Concurrent Resolution 146—1569-1570, 1693
House Concurrent Resolution 147—1570
House Concurrent Resolution 148—1607-1608
House Concurrent Resolution 149—1652-1653
House Concurrent Resolution 152—1899-1900
Senate Concurrent Resolution 136—1783, 1784-1785, 1796 adopted
Senate Concurrent Resolution 137—1800, 1810-1811 adopted

LEGISLATIVE EMPLOYEES—

(See Officers and Employees)

LEGISLATIVE FISCAL BUREAU—

Communications from—2, 122

LEGISLATIVE PHYSICIAN FOR THE DAY—

3, 51, 72, 88, 100, 108, 145, 162, 169, 176, 230, 244, 287, 305, 317, 369, 406, 445, 521, 538,
568, 579, 602, 703, 741, 758, 836, 851, 929, 952, 964, 991, 1084, 1112, 1150, 1214,
1239, 1385, 1450, 1485, 1528, 1552

LIND, THOMAS A.—Representative **Black Hawk** County

Amendments filed—229, 242, 242-243, 461, 684, 834, 835, 868, 990, 1018, 1019,
1024-1025, 1051, 1148, 1149, 1212, 1238, 1324, 1527, 1592
Amendments offered—255, 856, 872, 1023, 1085, 1204, 1205, 1600
Bills introduced—39, 90, 102, 146, 146-147, 150
Leave of absence—875, 1053
Presided at sessions of the House—734
Resolutions offered—113, 156-157, 1900-1901
Subcommittee assignments—82, 125, 126, 127, 135, 210, 273, 274, 279, 475, 561

LLOYD-JONES, JEAN—Representative **Johnson** County

Amendments filed—216, 405, 493, 519, 566, 789, 958, 989, 990, 1148, 1161, 1173, 1212,
1238, 1285, 1323, 1373, 1375-1376

Amendments offered—1160, 1223, 1224, 1235, 1373, 1375
 Bills introduced—57, 111, 119, 148, 177, 179, 186, 192, 193, 195, 197, 200
 Committee appointments—6, 1582
 Leave of absence—568, 1330, 1593, 1651, 1697, 1762
 Presented to the House and escorted to the well Giancarla Codrignani, Independent member of the Italian Parliament, Bologna, Italy—1125
 Resolutions offered—113, 173, 245, 301-302, 515-516, 572-573, 960-961, 1141-1142, 1207-1208, 1570
 Subcommittee assignments—80, 84, 125, 126, 129, 131, 135, 136, 137, 138, 209, 210, 272, 276, 277, 279, 388, 1048, 1049

LOBBYISTS—

(See Ethics, Committee on)

LONERGAN, JOYCE—Representative Boone-Greene Counties

Amendments filed—229, 444, 1173, 1323, 1502-1504, 1550-1551
 Amendments offered—1502
 Bills introduced—57, 111, 118, 181, 190, 192, 196
 Committee appointments—1711
 Leave of absence—51, 649, 1214
 Reports—1856-1857
 Resolutions offered—113, 245, 515-516, 572-573, 960-961, 1141-1142, 1207-1208
 Subcommittee assignments—125, 126, 127, 129, 136, 205, 206, 207, 212, 213, 275, 277, 392, 816, 1048, 1049, 1526

MAJORITY FLOOR LEADER, Lawrence Pope—Representative Polk County (See Pope, Lawrence—Representative Polk County, Majority Floor Leader)

MANN, KAREN—Representative Audubon-Carroll-Crawford-Greene-Guthrie Counties

Amendments filed—229, 242, 519, 868, 895, 1149, 1323-1324, 1324, 1576-1577, 1736, 1736-1737
 Amendments offered—1030, 1278, 1576, 1736
 Amendments withdrawn—1736
 Bills introduced—56, 101, 108, 150, 170, 176
 Committee appointments—481-482
 Leave of absence—1214
 Resolutions offered—113, 515-516, 572-573, 960-961, 1569-1570
 Subcommittee assignments—78, 136, 137, 208, 209, 212, 273, 275, 279, 391, 474

MAULSBY, RUHL—Representative Calhoun-Carroll-Greene-Pocahontas-Sac Counties

Amendments filed—229, 242, 242-243, 444, 600, 702, 812-813, 964, 1019, 1051, 1110, 1212, 1761
 Amendments offered—812, 1113, 1114, 1229, 1231
 Amendments withdrawn—812, 843
 Bills introduced—179, 181, 191, 192, 197
 Leave of absence—826
 Petitions presented—369
 Presided at sessions of the House—768
 Resolutions offered—113, 515-516, 699, 1569-1570

Subcommittee assignments—127, 130, 133, 135, 207, 210, 211, 273, 274, 275, 276, 279, 280, 281, 388, 389, 390, 391, 816

McKEAN, ANDREW (ANDY)—Representative Cedar-Clinton-Jackson-Jones Counties

Amendments filed—229, 242-243, 248, 461, 519, 789, 1149, 1285, 1369, 1592, 1650, 1696

Amendments offered—1369

Bills introduced—73, 148, 170, 186, 188, 200

Committee appointments—218

Leave of absence—1214

Presented to the House, foreign exchange student Asa Johansson, Jarna, Sweden—951

Presented to the House, Richard Kujawa, England—1016

Resolutions offered—113, 173-174, 301-302, 515-516, 572-573, 960-961

Subcommittee assignments—125, 207, 210, 211, 275, 276, 280, 388, 389, 1049, 1210

MEMORIALS—

Committees appointed—544, 931, 932

In memoriam list—2187

Memorial tribute to Representative Kenneth Miller—494-495

Memorials—2188-2191

Resolutions relating to—544, 931, 931-932, 932

MENKE, LESTER D.—Representative Buena Vista-Cherokee-Clay-O'Brien-Plymouth Counties, Speaker Pro Tempore

Amendments filed—242-243, 1285

Bills introduced—57, 74, 196

Committee appointed by—481-482

Committee appointments—6, 44, 1675, 1905

Committee appointments announced—1080

Conference committee appointments announced—1673, 1711

Presentation of visitors—304

Presented to the House, foreign exchange student, Susan Milligan, Brisbane, Australia—815

Presided at sessions of the House—112, 250, 295, 464, 465, 480, 540, 653, 769, 877, 958, 1035, 1075, 1141, 1180, 1229, 1230, 1309, 1368, 1383, 1450, 1501, 1559, 1561, 1577, 1603, 1653, 1659, 1710, 1721, 1791, 1792, 1800

Reports—1787-1788

Resolutions offered—113

Rulings made—877, 1042, 1043, 1316, 1458, 1578, 1726, 1728

Subcommittee assignments—84, 126, 128, 130, 135, 136, 137, 206, 207, 211, 212, 213, 275, 277, 278, 392, 816, 1048, 1049, 1551

MESSAGES—

(Also see Communications, Joint Conventions and Addressed the House)

From Governor Robert D. Ray—1906-1911

From Senate—9, 111-112, 151, 165, 172, 218-219, 230-231, 249, 299-300, 312-313, 318-320, 375-376, 403, 407, 435, 463, 516, 571, 580-581, 603, 645-646, 699, 704-705, 707-709, 743, 753, 760, 794, 836-837, 851-852, 869-870, 892, 897, 924-925, 929-931, 964-965, 1004, 1020-1021, 1045, 1106, 1112, 1143, 1187, 1215, 1221, 1240-1242,

1288-1290, 1321, 1326, 1379-1381, 1385-1387, 1447, 1450-1453, 1462, 1481, 1485, 1524, 1528-1531, 1538-1539, 1539, 1552, 1568, 1587, 1593-1596, 1602-1603, 1607, 1651-1652, 1690, 1690-1691, 1697-1698, 1703-1704, 1713, 1729, 1762-1763, 1783, 1792, 1797, 1800, 1811, 1813, 1855, 1860, 1864, 1894-1897

Immediate messages—7, 100, 288, 305, 366, 445, 606, 761, 944, 1015, 1054, 1116, 1152, 1206, 1465, 1543, 1553, 1598, 1602, 1606, 1645, 1689, 1745, 1747, 1757, 1775, 1781, 1793, 1797, 1800, 1815, 1855, 1860

Item veto messages—2173-2181

Senate messages considered—57-58, 165, 172, 230, 238, 299, 317-318, 321-323, 371, 406, 411, 436, 473, 608-609, 687, 703-704, 707, 741-743, 759, 830, 836, 847, 851, 861, 898-899, 944-947, 952-954, 965, 973-974, 1003, 1021, 1053, 1112, 1151, 1239, 1462, 1531-1532, 1552-1553, 1569, 1691, 1792-1793, 1797, 1813

Veto messages—490-491, 2164-2173

MILEAGE, COMMITTEE ON—

Supplemental reports—8, 271, 1281

MILLER, KENNETH D.—Representative Black Hawk-Buchanan Counties

Communication from (Shirley Miller & family)—639

Leave of absence—51, 88, 145, 217, 287, 397, 479

Memorial tribute to—494-495

Resolutions offered—113

Subcommittee assignments—136, 206, 207, 212, 213, 277, 392

MINORITY FLOOR LEADER, Donald D. Avenson—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties

(See Avenson, Donald D.—Representative Bremer-Chickasaw-Fayette-Howard-Winneshiek Counties, Minority Floor Leader)

MOTIONS TO RECONSIDER—

Filed:

House File 855, H-5267—698-699

House File 2111, H-5796—1524

House File 2218, H-5199—637

House File 2218—679, 680

House File 2220—892

House File 2334—1546

House File 2334, H-5820—1546

House File 2335, H-5084—387

House File 2335, H-5120—402

House File 2342—1144

House File 2342, H-5635—1144

House File 2342, H-5693B to H-5635—1144

House File 2356—490

House File 2357—534

House File 2360—680

House File 2363, H-5231A—598

House File 2363, H-5233B—637

House File 2363—847

House File 2369, H-5211C—560

House File 2369—1815

House File 2386—734
House File 2387—734
House File 2393—948
House File 2403—782
House File 2430—865
House File 2433—948
House File 2439—986
House File 2452—947
House File 2457—1015
House File 2460—1814-1815
House File 2478—1446
House File 2488—1588
House File 2498—1758
Senate File 387—1105
Senate File 397—225
Senate File 452—1320
Senate File 482—1236
Senate File 487—271
Senate File 490—442
Senate File 2040—1106
Senate File 2080—470, 471
Senate File 2084—470
Senate File 2091, H-5610 to H-5537—1280
Senate File 2091, H-5689 to H-5537—1281
Senate File 2146—1236
Senate File 2178—1187
Senate File 2193—1377
Senate File 2204—1106
Senate File 2218—1446
Senate File 2218, H-5667—1446
Senate File 2218, H-5781 to H-5667—1447, 1480
Senate File 2234—1480
Senate File 2234, H-5600—1480
Senate File 2234, H-5818 to H-5600—1480
Senate File 2240—1319, 1320
Senate File 2243—1378
Senate File 2253—1378
Senate File 2253, H-5787—1378
Senate File 2285—1320, 1377
Senate File 2300—1587, 1588

Lost:

House File 2220—986
House File 2357—685
House File 2369, H-5211C—588-589
House File 2386—985-986
House File 2478—1523-1524
Senate File 387—1445-1446
Senate File 482—1796
Senate File 487—733
Senate File 2080—510-511
Senate File 2091, H-5610 to H-5537—1488-1489

Senate File 2218—1522

Senate File 2234—1523

Senate File 2240—1523

Senate File 2300—1645

No longer valid:

House File 2452—1904

House File 2498—1905

Senate File 452—1904

Senate File 2040—1904

Senate File 2146—1904

Out of order:

House File 2218, H-5343—830

House File 2220—986

House File 2357—685

House File 2386—986

House File 2478—1524

Senate File 487—733

Senate File 2080—510-511

Senate File 2218, H-5667—1522

Senate File 2218, H-5781 to H-5667—1522

Senate File 2234, H-5600, H-5818 to H-5600—1523

Senate File 2240—1523

Senate File 2300—1645

Prevailed:

House File 2111, H-5796—1579

House File 2363, H-5233B—842

House File 2363, H-5231A—844-845

Senate File 490—731

Senate File 2084—775-776

Senate File 2091, H-5689 to H-5537—1478

Senate File 2253—1441

Senate File 2253, H-5787—1441

Senate File 2285—1683

Withdrawn:

House File 855, H-5267—890

House File 2218, H-5199—652

House File 2334—1645

House File 2335, H-5084—415

House File 2335, H-5120—415

House File 2342—1151

House File 2342, H-5635—1152

House File 2342, H-5639B to H-5635—1152

House File 2356—698

House File 2360—685

House File 2363—985

House File 2369—1815

House File 2387—947

House File 2393—985

House File 2403—846

House File 2430—1044

House File 2433—1075

House File 2439—1044-1045

House File 2439—1078

House File 2457—1015

House File 2460—1814-1815

House File 2488—1682-1683

House File 2498—1772

Senate File 397—249-250

Senate File 2178—1479

Senate File 2193—1441

Senate File 2204—1441

Senate File 2243—1442-1443

Senate File 2285—1330

Motions to reconsider—(from the floor):

House File 2171—559

House File 2218, H-5192—653

House File 2218, H-5191—653

House File 2335, H-5098—397

House File 2335, H-5106A—402

House File 2346, H-5203—661

House File 2369, H-5219—589

House File 2439, H-5460 to H-5448—958

House File 2439, H-5482 to H-5448—959

House File 2488, H-5893B—1559

House Journal, March 31, 1982 approved—1150

Senate File 2178, H-5614 to H-5583—1183

Senate File 2221, H-5536—1219

Senate File 2234, H-5600 as amended—1279

Senate File 2234, H-5734 to H-5600—1279

Senate File 2304, H-6015 to H-5991—1717

Lost:

House File 2218, H-5192—653

House File 2218, H-5191—654

House File 2488, H-5893B—1560

House Journal, March 31, 1982 approved—1151

Senate File 2304, H-6015 to H-5991—1717-1718

Out of order:

House File 2218, H-5192—653

Prevailed:

House File 2335, H-5098—397

House File 2335, H-5106A—402

House File 2346, H-5203—661

House File 2439, H-5460 to H-5448—958

House File 2439, H-5482 to H-5448—959

Senate File 2178, H-5614 to H-5583—1184

Senate File 2221, H-5536—1219

Senate File 2234, H-5600 as amended—1279

Senate File 2234, H-5734 to H-5600—1280

Tabled:

House File 2171—559

House File 2218—830

Senate File 2084—782

Withdrawn:

House File 2369, H-5219—589

Final disposition of motions to reconsider—1904-1905

MULLINS, SUE—Representative Hancock-Humboldt-Kossuth-Palo Alto-Pocahontas Counties

Amendments filed—229, 242, 396, 519, 566, 642, 757, 789, 963, 1110, 1238, 1285, 1323, 1484, 1550-1551, 1696

Amendments offered—590

Bills introduced—36, 89, 200

Committee appointments—44

Leave of absence—397, 1504

Presented to the House, Anne Marie Horneman, foreign exchange student, from Denmark—431

Presented to the House, Sue Thomas, Lu Verne, Iowa—304

Presented to the House, the Honorable Karl Kiilsholm, former member of the House—736

Presided at sessions of the House—1690

Resolutions offered—113, 173-174, 301-302, 515-516, 572-573, 960-961, 1691-1692

Subcommittee assignments—127, 279, 280, 281, 390, 391, 700

MUSICAL PRESENTATION, SPECIAL—

The Concert and Chamber Choir, Ellsworth Community College, Iowa Falls—973

NATURAL RESOURCES, COMMITTEE ON—

Amendments filed—144, 1109

Amendments offered—252, 1278

Appointed—44, 1080

Bills introduced—490, 526, 569, 608, 793, 861

Recommendations—143, 168, 184-185, 460, 518, 600, 739, 819-820, 1109, 1550

Subcommittee assignments—78, 79, 80, 81, 82, 84, 85, 206, 210, 273, 274, 277, 278, 281, 565

NOMINATIONS—

For Permanent Chief Clerk—3

NORLAND, LOWELL E.—Representative Cerro Gordo-Worth Counties

Amendments filed—216, 243, 360, 444, 519, 537, 757, 824, 1083, 1110, 1173, 1212, 1285, 1462-1463, 1484, 1550, 1696, 1733, 1735, 1760

Amendments offered—822, 824, 1201, 1253, 1462, 1490, 1557, 1733, 1735

Bills introduced—57, 171, 172, 177, 180, 194, 195, 198, 199

Official delegate to attend the funeral services of the Honorable Kenneth Miller—525

Petitions presented—479

Reports—4-5, 217-218, 1057-1058

Resolutions offered—113, 173, 572-573, 960-961, 1141-1142, 1207-1208, 1691-1692

Subcommittee assignments—78, 79, 82, 128, 130, 131, 212, 275, 277, 279, 388, 389, 700, 816, 1046

OATH OF OFFICE—

- By Permanent Chief Clerk, Elizabeth A. Isaacson—3
- By Representatives-elect Fey, Knapp & Rosenberg—5
- By Representative-elect Elaine Baxter—218
- By Representative-elect Paul Copenhaver—1058

OBJECTIONS—

- Raised—259, 323, 344, 355, 358, 360, 364, 469, 508, 556, 718, 730, 958, 959, 960, 966,
1025, 1027, 1070, 1086, 1104, 1120, 1165, 1166, 1193, 1217, 1230, 1250, 1260,
1303, 1371, 1435, 1454, 1458, 1461, 1513, 1542, 1747, 1768, 1786, 1791, 1863
- Withdrawn—1461

OFFICERS AND EMPLOYEES—

- Elected Elizabeth A. Isaacson permanent Chief Clerk—3
- Employees appointed—7-8
- Pages—7-8
- Pay grades and steps, list of—45-48
- Resignations—1, 1321
- Took oath of office—3, 5, 218, 1058

OFFICIAL DELEGATION—

- Appointment of—525

O'KANE, JAMES D.—Representative **Woodbury** County

- Amendments filed—144, 229, 286, 789, 989, 990, 1019, 1110, 1149, 1173, 1324, 1732,
1740
- Amendments offered—1222, 1740
- Amendments withdrawn—1224, 1732
- Bills introduced—40, 57, 91, 109, 119, 147, 163-164, 178, 179, 189, 190, 193, 194, 197,
199, 200, 201, 202
- Committee appointments—931-932
- Leave of absence—452, 463
- Petitions presented—1450
- Resolutions offered—113, 245, 515-516, 572-573, 960-961, 1141-1142, 1207-1208
- Subcommittee assignments—127, 128, 129, 130, 131, 132, 133, 207, 280, 391, 474

OXLEY, MYRON B. (MIKE)—Representative **Linn** County

- Amendments filed—242, 1173, 1238
- Bills introduced—90, 148, 181, 192
- Resolutions offered—113, 173, 1207-1208
- Subcommittee assignments—133, 135, 207, 273, 277, 281, 389, 390, 475

PAGES—

- Appointments of—7-8
- Presented check to the Iowa Cancer Society—1150
- Special presentation to—749-750, 1596-1597

PAVICH, EMIL S.—Representative **Pottawattamie** County

- Amendments filed—216, 566, 990, 1051, 1173, 1323, 1592, 1650
- Amendments withdrawn—1196
- Bills introduced—111, 118, 181, 186, 190, 192, 193, 196

Committee appointments—9, 1675

Leave of absence—741, 1528

Reports—1787-1788

Resolutions offered—113, 173, 173-174, 245, 515-516, 572-573, 1141-1142, 1207-1208, 1691-1692

Subcommittee assignments—83, 131, 133, 207, 279, 389, 390, 816

PELLETT, WENDELL C.—Representative Adair-Adams-Cass-Guthrie-Union Counties

Amendments filed—229, 461, 519, 566, 684, 757, 834, 868, 989, 990, 1109, 1285, 1323, 1324

Amendments offered—495, 878, 1313

Bills introduced—37, 40, 55, 90, 150, 181

Committee appointments—10, 1582

Petitions presented—643

Reports—1865-1874

Resolutions offered—113, 284-285, 1532-1533

Subcommittee appointments—44

Subcommittee assignments—79, 80, 82, 83, 85, 206, 210, 273, 278, 281, 561, 816

PELTON, JOHN—Representative Clinton County

Amendments filed—242, 493, 519, 520, 642, 697-698, 706, 963, 989, 990, 1110, 1238, 1285, 1323, 1325

Amendments offered—497, 652, 697, 717, 1389

Amendments withdrawn—698

Bills introduced—170

Committee appointments—1582

Leave of absence—88, 287, 375, 406, 1214

Reports—8, 271, 1281, 1865-1874

Resolutions offered—113, 515-516, 525, 960-961, 1691-1692

Subcommittee assignments—123, 129, 133, 134, 211, 213, 273, 274, 277, 278, 279, 391, 392, 474, 815

PETRICK, GEORGE—Representative Johnson-Linn Counties

Amendments filed—242-243

Bills introduced—200

Committee appointments—9, 93

Resolutions offered—113, 515-516

Subcommittee assignments—78, 80, 85, 128, 129, 131, 132, 133, 204, 209, 210, 211, 274, 389, 391, 392, 561, 816

PERSONNEL COMMITTEE—

(See House Administration Committee and/or Officers and Employees)

PETITIONS FILED—

(Also see individual listings)

51, 88, 249, 317, 369, 463, 479, 568, 579, 602, 643, 685, 952, 1020, 1084, 1150, 1191, 1287, 1450, 1651

POFFENBERGER, VIRGINIA—Representative Adair-Dallas-Guthrie Counties
Amendments filed—229, 242, 242-243, 382, 396, 404, 405, 408, 434, 493, 519, 642, 706,
739, 757, 789, 800, 834, 849, 850, 862, 895, 903, 963, 1110, 1190, 1238, 1269, 1285,
1323, 1484, 1550-1551, 1621, 1677, 1696, 1730-1731
Amendments offered—382, 407, 409, 499, 501, 507, 762, 772, 773, 800, 853, 862, 1012,
1069, 1267, 1269, 1677, 1730
Amendments withdrawn—382, 583, 1224, 1270, 1621
Bills introduced—56, 74, 170, 178, 189, 200
Committee appointments—6, 157, 1673
Petitions presented—568, 602
Reports—1801-1803
Resolutions offered—113, 515-516, 572-573, 960-961, 1691-1692
Subcommittee assignments—125, 127, 128, 131, 132, 133, 134, 136, 138, 208, 211, 213,
274, 276, 278, 279, 280, 281, 388, 391, 392, 561, 816, 1047, 1210

POINTS OF ORDER RAISED—

House File 855, H-5330-Representative Schroeder—698
House File 2142, H-5161-Representative Krewson—467
House File 2171, H-5058, objection to withdraw-Representative Avenson—323
House File 2171, challenged ruling of the chair-Representative Avenson—324
House File 2171, H-5058-Representative Davitt—328
House File 2171, H-5251 to H-5237-Representative Halvorson of Clayton—548
House File 2171, H-5244 to H-5237-Representative Shull—550
House File 2171, H-5252 as amended to H-5237-Representative Shull—554
House File 2218, H-5294-Representative Clark of Lee—629
House File 2218, H-5198-Representative Clark of Lee—633
House File 2218, H-5188-Representative Corey—650
House File 2334, H-5868-Representative Schroeder—1519
House File 2335, H-5113 to H-5106A-Representative Conlon—381
House File 2335, H-5138-Representative Conlon—408
House File 2342, H-5639B-Representative De Groot—1120
House File 2357, invoked Rule 37-Representative Mann—524
House File 2360, H-5206-Representative Krewson—666
House File 2360, H-5278-Representative Woods—667
House File 2363, H-5282-Representative Pellett—595
House File 2363, H-5231-Representative Pellett—596
House File 2363, clarification, amendment previously adopted-Representative
Ritsema—810
House File 2363, H-5295, expunge first vote-Representative Avenson—811
House File 2363, H-5297A-Representative Cook—812
House File 2363, H-5332 as amended-Representative Cochran—813
House File 2363, H-5297B-Representative Avenson—813
House File 2363, H-5297B, under Rule 37-Representative Hummel—821
House File 2363, H-5297B-Representative Schroeder—822
House File 2363, H-5376 as amended-Representative Anderson of Audubon—824
House File 2363, H-5432-Representative Anderson of Audubon—842
House File 2369, H-5227-Representative Conlon—528
House File 2369, H-5265-Representative Conlon—584
House File 2369, H-5253-Representative Conlon—586
House File 2387, H-5309-Representative Pelton—717
House File 2393, H-5441-Representative Poffenberger—942

House File 2396, H-5310-Representative Carpenter—775
 House File 2433, H-5495-Representative Cook—934
 House File 2435, H-5425-Representative Byerly—863
 House File 2437, H-5851-Representative Krewson—1513
 House File 2439, motion to suspend rules-Representative Byerly—959
 House File 2441, invoked Rule 37-Representative Welden—887
 House File 2462, H-5423 as amended-Representative Doderer—1007
 House File 2463, H-5464B-Representative Stueland—877
 House File 2465, H-5506-Representative Johnson of Howard—1022
 House File 2465, H-5569-Representative Johnson of Howard—1023
 House File 2465, H-5459-Representative Carpenter—1025
 House File 2465, H-5556-Representative Ritsema—1026
 House File 2465, H-5479-Representative Johnson of Howard—1027
 House File 2465, H-5508 as amended-Representative Conlon—1028
 House File 2473, H-5580-Representative Cochran—1123
 House File 2473, H-5580, challenged ruling of the chair-Representative Cochran—1123
 House File 2474, H-5582-Representative Schnekloth—1401
 House File 2475, H-5810-Representative Ritsema—1403
 House File 2479, H-5950-Representative Diemer—1754
 House File 2479, H-5874-Representative Diemer—1755
 House File 2485, H-5912-Representative Lind—1600
 House File 2485, Joint Rule 16 invoked, fiscal notes-Representative Groth—1604
 House File 2488, H-5893-Representative Hummel—1555
 House File 2488, H-5893B-Representative Rapp—1555
 House File 2488, H-5888-Representative Hummel—1558
 House File 2497, H-6058-Representative Johnson of Linn—1786
 House File 2497, H-6059-Representative Harbor—1791
 House File 2497, H-6062-Representative Hanson of Delaware—1792
 House File 2497, H-6063-Representative Harbor—1794
 House File 2498, invoked Joint Rule 16, fiscal notes-Representative Connors—1750
 Re suspending two rules at same time (Rule 2 & 15)-Representative Chiodo—1166
 Senate File 26, H-5399-Representative Johnson of Woodbury—801
 Senate File 362, H-5841-Representative Hummel—1458
 Senate File 387, H-5579-Representative Hoffmann-Bright—1089
 Senate File 387, H-5597-Representative Hoffmann-Bright—1090
 Senate File 460, Rule 37 invoked, refer to ways & means-Representative Conlon—1275
 Senate File 482, H-5566-Representative Schnekloth—1222
 Senate File 537, H-5171-Representative Schroeder—1042
 Senate File 537, H-5377-Representative Krewson—1043
 Senate File 558, H-5359-Representative Norland—1069
 Senate File 579, H-5347 & H-5349B-Representative Daggett—803
 Senate File 2084, H-5126-Representative Schroeder—440
 Senate File 2084, previously reconsidered-Representative Conlon—782
 Senate File 2088, H-5520-Representative Daggett—1114
 Senate File 2091, H-5662 to H-5537-Representative Schroeder—1250
 Senate File 2091, H-5660 to H-5537-Representative Lageschulte—1253
 Senate File 2091, Rule 37 invoked, refer to approps.-Representative Pelton—1260
 Senate File 2091, H-5712A & H-5712B-Representative Schnekloth—1487

Senate File 2091, H-5857-Representative Schnekloth—1488
Senate File 2091, H-5862-Representative Lageschulte—1499
Senate File 2146, H-5625-Representative Ritsema—1203
Senate File 2146, H-5649 & H-5650-Representative Daggett—1205
Senate File 2153, H-6056-Representative Norland—1774
Senate File 2157, H-5420-Representative Lind—1085
Senate File 2178, Rule 54, re legality, meeting of committee on ag.-Representative
Avenson—1152
Senate File 2195, H-5562A-Representative Schroeder—1198
Senate File 2195, H-5658-Representative Schroeder—1200
Senate File 2233, invoked Rule 37-Representative Poffenberger—1368
Senate File 2234, H-5803-Representative Hanson of Delaware—1410
Senate File 2238, H-5735-Representative Byerly—1316
Senate File 2243, H-5786 suspension of rules-Representative Pellett—1373
Senate File 2245, H-5685-Representative Gross—1217
Senate File 2285, H-5920-Representative Welsh—1683
Senate File 2300, H-5898-Representative Schroeder—1578
Senate File 2302, H-5932-Representative Daggett—1768
Senate File 2302, H-5995-Representative Daggett—1770
Senate File 2304, H-6001-Representative Welden—1719
Senate File 2304, H-5973-Representative Krewson—1720
Senate File 2304, H-6018-Representative Welden—1726
Senate File 2304, H-5996-Representative Welden—1728
Senate File 2304, H-5964-Representative Chiodo—1732
Senate File 2304, H-6043-Representative Tyrrell—1732
Senate File 2304, H-6004-Representative Pelton—1743

Withdrawn:

House File 2363, H-5297B-Representative Avenson—813
House File 2485, Joint Rule 16, fiscal notes-Representative Groth—1604
House File 2497, H-6062-Representative Hanson of Delaware—1792

PONCY, CHARLES N.—Representative Mahaska-Monroe-Wapello Counties

Amendments filed—990, 1051, 1110, 1111, 1173, 1323, 1725
Amendments offered—1725
Bills introduced—111, 118, 146-147, 164, 179, 180, 188, 196
Leave of absence—1214
Resolutions offered—113, 173, 245, 515-516, 572-573, 1141-1142, 1207-1208
Subcommittee assignments—83, 211, 280

POPE, LAWRENCE—Representative Polk County, Majority Floor Leader

Amendments filed—242, 449, 1110
Bills introduced—792, 1288, 1326, 1378, 1480-1481, 1481, 1502, 1570, 1745-1746, 1757
Leave of absence—654
Memorial tribute to Representative Kenneth Miller—494
Petitions presented—1643
Presented to the House, foreign exchange student, Jean Marc Briquet, Borg La
Reine, France—988
Presented to the House, members of the U.S.S.R National Wrestling Team, Soviet
Union—1204
Presented with gift—1855
Remarks by (addressed the House)—55, 1898-1899

Resolutions offered—6-7, 41, 113, 285, 371, 638, 948, 1281-1282, 1411-1412

Subcommittee appointments—44

Subcommittee assignments—207, 700

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

House Concurrent Resolution 104, Congress enact legislation, remove cases involving school prayers, busing & abortion from jurisdiction of Supreme Court—112-113

House Concurrent Resolution 108, federal funding, reconstruction of bridges and highways—231, 248

House Concurrent Resolution 109, Congress restore funds to public employment service—245, 286

House Concurrent Resolution 110, potential for development of ethanol alcohol as fuel source—284-285

House Concurrent Resolution 112, rescind portion of executive order #12314, regional councils—301

House Concurrent Resolution 113, reduce growth rate, military expenditures, restore balance view, national security—301-302

House Concurrent Resolution 116, meaningful cuts in defense budget—515-516, 891-892 adopted, 926

House Concurrent Resolution 121, require on site storage of spent nuclear fuel until permanent storage is established—574-575, 865

House Concurrent Resolution 128, refuse renewal, Romania's Trading Status in protest of repression of religious freedom—783-784

House Concurrent Resolution 135, nuclear arms—960-961, 1105

House Concurrent Resolution 151, veterans disability claims, radiation exposure—1692-1693

House Resolution 106, increase exports, strengthen set aside program, etc., reinstate facility loan program, also moratorium on farm sales—1207-1208

Senate Concurrent Resolution 125, assessment of grain storage requirements, etc.—1783-1784, 1796 adopted

PRESS, MEMBERS OF—

Assignment of seats in press gallery—75-76, 157

Honor George Mills, Legislative Reporter, WHO-TV—1862

PROCLAMATION—

Communication from Governor Robert D. Ray—92

PROFESSIONAL AND OCCUPATIONAL REGULATION, COMMISSION ON—

Communication from—157-158

PROOF OF PUBLICATION—

House File 2003—49

House File 2154—157

House File 2422—680

House File 2427—866-867

House File 2472—950

House File 2489—1548-1549

House File 2499—1799

Senate File 2267—950

Senate File 2294—1144

Senate File 2303—1549

QUORUM CALLS—

323, 411, 464-465, 543, 768, 875, 1154, 1191, 1214, 1215, 1230, 1290, 1542, 1608, 1699,
1793, 1801, 1863

RAPP, STEPHEN J.—Representative Black Hawk County

Amendments filed—229, 266-267, 286, 304, 373, 374, 380, 396, 520, 537, 757, 834, 849,
990, 1110, 1149, 1238, 1323, 1356-1362, 1484, 1550, 1551, 1572, 1573, 1650, 1792
Amendments offered—261, 266, 380, 398, 401, 528, 548, 864, 1262, 1553, 1556, 1572,
1792

Amendments withdrawn—400, 401, 1553, 1573

Bills introduced—111, 118, 147, 192, 196, 200, 201

Committee appointments—1769

Leave of absence—1385, 1725

Resolutions offered—113, 245, 515-516, 572-573, 960-961, 1141-1142, 1207-1208

Subcommittee assignments—78, 81, 82, 123, 131, 132, 133, 134, 135, 136, 137, 138,
209, 211, 212, 273, 274, 275, 276, 277, 278, 389, 391, 561, 816, 1047, 1048, 1210

RAY, GOVERNOR ROBERT D.—

(See Governor Ray, Robert D.)

RECORD EXPUNGED—

House File 2363, H-5295 & adoption—811

REGENTS, BOARD OF—

Communication—Report—

Ten-Year Building Program—94

Resolution relating to:

Senate Concurrent Resolution 128, Ten-Year Bldg. Program—1762,
1763-1766, 1893-1894, 1904

RENAUD, DENNIS L.—Representative Polk County

Amendments filed—216, 444, 537, 566, 684, 990, 1051, 1173, 1212, 1232, 1234

Amendments offered—452, 1232, 1233, 1234, 1235

Amendments withdrawn—452

Bills introduced—118, 146, 147, 163, 179, 196

Leave of absence—929

Presented to the House, Cadet 4th Class Mark Rydell, Air Force Academy,
Colorado Springs, Colorado—404

Resolutions offered—113, 515-516, 572-573, 948, 1207-1208, 1569-1570

Subcommittee assignments—212, 273, 277, 391

**RENKEN, ROBERT H.—Representative Black Hawk-Butler-Franklin-Grundy-
Marshall-Tama Counties**

Amendments filed—229, 242, 461, 642, 1019, 1070, 1110, 1323, 1324, 1761

Bills introduced—38, 90, 181, 203

Committee appointments—482-483

Leave of absence—579, 875

Resolutions offered—113, 515-516, 960-961

Subcommittee assignments—78, 79, 81, 82, 131, 132, 206, 212, 213, 273, 277, 391, 474,
927

REPORTS—

(See Communications and/or individual headings)

RESIGNATIONS—

(See also Officers and Employees)

Representative Larry Kirkenlager—1

Research Analyst, Sharon R. Robinson—1321

RESOLUTIONS—

(See Legislative Index Volume)

RITSEMA, DOUGLAS—Representative Plymouth-Sioux Counties

Amendments filed—242, 248, 374, 396, 404, 434, 519, 520, 531, 567, 578, 589, 727, 849,
850, 963, 997, 1010, 1034, 1238, 1285, 1323, 1324, 1374, 1551, 1630, 1634, 1635,
1696

Amendments offered—382, 409, 414, 426, 454, 529, 530, 531, 582, 584, 852, 997, 1033,
1034, 1261, 1272, 1273, 1291, 1374, 1630, 1634

Amendments withdrawn—383, 415, 454, 1577

Appointed to the Confidential Records Council—45

Bills introduced—170

Committee appointments—9, 1701

Leave of absence—1214

Reports—1804-1809

Resolutions offered—113, 173, 515-516, 525, 960-961

Subcommittee assignments—123, 129, 130, 131, 132, 134, 136, 137, 138, 208, 212, 389,
390, 391, 392, 816, 1047, 1903

ROSENBERG, RALPH—Representative Boone-Polk-Story Counties

Amendments filed—216, 229, 380, 396, 404-405, 405, 444, 757, 820, 990, 1173, 1212,
1285

Amendments offered—417, 499, 571, 881

Bills introduced—111, 118, 119, 179, 190, 192, 193, 196, 198, 200, 201, 202

Committee appointments—75, 1673

Petitions presented—1651

Resolutions offered—113, 572-573, 948, 960-961, 1141-1142, 1207-1208, 1692-1693

Subcommittee appointments—44

Subcommittee assignments—127, 132, 134, 136, 204, 208, 210, 274, 475, 561, 1047,
1048

Took oath of office—5

RULES—

Motions to suspend:

Appropriations meeting—1863

House File 2171, H-5090 to H-5081 to H-5058—344

House File 2171, H-5089 to H-5082 to H-5058—355

House File 2171, H-5092 to H-5082 to H-5058—356
House File 2171, H-5091 to H-5082 to H-5058—358
House File 2171, H-5093 to H-5082 to H-5058—360
House File 2171, H-5088 to H-5058—362
House File 2171, H-5251 to H-5237—548
House File 2171, H-5244 to H-5237—550
House File 2171, H-5252 as amended to H-5237—554
House File 2171, Rule 36.8, H-5264 to H-5237—556
House File 2218, H-5198—634
House File 2342, H-5639B—1120
House File 2342, H-5639B to H-5635—1120
House File 2363, H-5282—595
House File 2363, H-5231B—597
House File 2363, H-5376 as amended—825
House File 2369, H-5227—528
House File 2369, H-5253—586
House File 2393, H-5441—942
House File 2465, H-5459—1025
House File 2488, H-5893A—1558
House File 2495, H-5495—934
House File 2497, H-6058—1786
House File 2497, H-6059—1791
House File 2497, H-6063—1794
House File 2498—1747
Senate Concurrent Resolution 128—1893
Senate File 26, H-5399—801
Senate File 362, H-5841—1458
Senate File 579, H-5349B—803
Senate File 2084, H-5126—776
Senate File 2091, H-5662 to H-5537—1250
Senate File 2091, H-5660 to H-5537—1253
Senate File 2091, H-5711 to H-5537—1261
Senate File 2146, H-5625—1203
Senate File 2146, H-5649—1205
Senate File 2243, H-5774—1371
Senate File 2302, H-5932—1768
Senate File 2302, H-5995—1770
Senate File 2304, H-6004—1743

Lost:

House File 2171, H-5089 to H-5082 to H-5058—356
House File 2171, H-5092 to H-5082 to H-5058—358
House File 2171, H-5091 to H-5082 to H-5058—359
House File 2171, H-5093 to H-5082 to H-5058—361
House File 2171, H-5088 to H-5058—363
House File 2171, H-5251 to H-5237—548
House File 2171, H-5244 to H-5237—551
House File 2171, H-5252 to H-5237—555
House File 2171, Rule 36.8, H-5264 to H-5237—557
House File 2218, H-5198—634
House File 2363, H-5282—596
House File 2363, H-5231B—597

House File 2363, H-5376 as amended—825
House File 2369, H-5227—528
House File 2369, H-5253—586
House File 2393, H-5441—943
House File 2433, H-5495—934
House File 2465, H-5459—1025
House File 2488, H-5893A—1559
House File 2497, H-6058—1787
House File 2497, H-6059—1791
House File 2497, H-6003—1795
Senate Concurrent Resolution 128—1894
Senate File 26, H-5399—801
Senate File 362, H-5841—1459
Senate File 579, H-5349B—803
Senate File 2091, H-5662 to H-5537—1251
Senate File 2091, H-5660—1253
Senate File 2146, H-5625—1203
Senate File 2146, H-5649—1205
Senate File 2302, H-5932—1769
Senate File 2302, H-5995—1771
Senate File 2304, H-6004—1743

Prevailed:

House File 2171, H-5090 to H-5081 to H-5058—345
House File 2342, H-5639B to H-5635—1121
House File 2498—1748
Senate File 2084, H-5126—776
Senate File 2091, H-5711 to H-5537—1261
Senate File 2243, H-5774—1372

Withdrawn:

House File 2342, H-5639B—1120

Rules Invoked:

Rule 37 (commitment of appropriation and revenue bills):

House File 2441—887
Senate File 460—1275
Senate File 2091—1260
Senate File 2233—1368

Rule 37, out of order:

House File 2441—887
Senate File 460—1275

Rule 80 (duty of voting):

House Concurrent Resolution 6—1861
House Concurrent Resolution 116—891
House File 2111, H-5796—1469
House File 2171, H-5043—237
House File 2171, H-5089 to H-5082 to H-5058—356
House File 2218, H-5199—636
House File 2218, H-5191—653
House File 2335, H-5120 as amended—401
House File 2341, H-5156A—438
House File 2363, H-5231A—593
House File 2363, H-5233B—604

House File 2363, H-5401—843
House File 2369, H-5211C—541
House File 2369, H-5919—1635
House File 2386—985
House File 2394, H-5345A—752
House File 2403—769
House File 2438—904
House File 2439, H-5448—957
House File 2439, motion to refer to st. gov't.—960
House File 2452—933
House File 2460—1672
House File 2463—1854
House File 2485, H-5923—1605
House File 2488, H-5893B—1556
House File 2488, H-5893B, motion to reconsider—1559
House File 2497, H-6058—1786
House File 2497, H-6059—1791
House File 2498, motion to table—1749
House File 2498, H-6053—1751
Senate File 482, H-5205—1223
Senate File 482—1225, 1796
Senate File 487—260
Senate File 487, motion to reconsider—733
Senate File 2084, H-5394—779
Senate File 2091, H-5610—1244
Senate File 2091, H-5660—1253
Senate File 2091, H-5689—1259, 1478
Senate File 2091, H-5689 to H-5537, motion to reconsider—1478
Senate File 2146, H-5625—1203
Senate File 2178, H-5608—1162
Senate File 2178, H-5638B to consider H-5638A—1165
Senate File 2178, H-5638—1167
Senate File 2178, H-5636 to H-5583—1178
Senate File 2178, H-5614—1183, 1184
Senate File 2190, H-5540—1300
Senate File 2203, H-5681 as amended—1233
Senate File 2203, House concur—1543
Senate File 2218, H-5781—1395
Senate File 2218, conference committee report—1874
Senate File 2220—1363
Senate File 2273—1266
Senate File 2304, H-6008—1712
Senate File 2304, H-6009—1714
Senate File 2304, H-6030—1724
Senate File 2304, H-6018—1727
Senate File 2304, H-5996—1728
Senate File 2304, H-6003—1734
Senate File 2304, H-6031—1738

Rules On The Following:

Rule 50 (status of bills following first regular session):

House and Senate Files returned to committees—41-43

Rule 81 (limitation on right to vote):

House File 2334—298

House File 2418—722

Senate File 217—427

Senate File 2091, H-5689—1259

Senate File 2091, H-5689 to H-5537—1478

Senate File 2091, H-5689—1478

Rules Suspended:

House File 855, H-5330—698

House File 2171, Rule 36.8, H-5264 to H-5237—557

House File 2336, H-5178—449

House File 2464, substitute H-5560 for H-5548—999

House File 2465, substitute H-5575 to H-5459 for H-5571 to H-5459—1024

House File 2485, daily debate calendar—1581

House File 2489, daily debate calendar—1581

Senate File 2243, H-5786—1373

Senate File 2297, daily debate calendar—1581

Rule 2 (quorum time and time of convening):

Continue session beyond 6:00 p.m.—359-360, 1143, 1166, 1230, 1689, 1714, 1814

Rule 15 (food prohibited):

In House chambers—1166, 1714, 1814

Rule 25 (admission to the House; lobbying):

House File 808, Lee Duin and Tim Wood—905

House File 2171, Richard Jacobs, Don Cooper and Gene Eich, dept. of revenue—235

House File 2335, Daryl Fischer, coordinator of Data Analysis, Office for Planning and Programming—376

Senate File 2101, Norman Johnson, Bd. of Pharmacy Examiners—805

Senate File 2178, Ed Longnecker, IPERS—1140

Senate File 2178, Dennis Jacobs, IPERS—1154-1155

Rule 36.8 (first reading commitment and amendment):**Filing of amendments:**

Bills on Friday, March 5, 1982, daily debate calendar—677

Senate File 268—1364

Senate File 2215—1364

Senate File 2220—1364

Senate File 2243—1374

Senate File 2253—1364

Senate File 2278—1364

Senate Joint Resolution 13—1364

Rule 38 (arrangement on calendar):

Daily debate calendar for Wednesday, April 14, 1982, House File 2410 and Senate Files 362 & 2091—1410

Rule 39 (debate calendar):

Distribution of the Wednesday, February 10, 1982, daily debate calendar—287

Bills on Friday, March 5, 1982, daily debate calendar—677

Senate File 230, daily debate calendar—1546

Senate File 268, weekly debate calendar—1221

Senate File 2202, weekly debate calendar, March 29, 1982—1045

Rule 41 (amendments to special order bills):

Clip sheet remain open one hour after adjournment—1187

Filing of amendments one hour after adjournment—366

House File 2171, filing amendments—533

Rule 61 (committee notice and agenda):

Appropriations meetings—1411, 1603, 1689, 1746

Commerce meetings—1528, 1607

Committee notices and agendas, Monday, January 18, 1982—73

Committee notices and agendas, Wednesday, January 20, 1982—108

Human Resources meeting—1465

Judiciary and Law Enforcement meetings—1607, 1793

State Government meetings—1757

Ways and Means meetings—1528, 1651

Rule 78B (reconsideration):

Senate File 2084, filing, motion to reconsider—468-469

Rule 78C (reconsideration):

First sentence, providing that a motion to reconsider shall be taken up when made, for duration of the second session—1599-1600

RULES, COMMITTEE ON—

Recommendations—144

Resolution relating to:

House Resolution 101, permanent rules amended—120, 219 adopted

Resolutions offered—120

Subcommittee assignments—206, 207

RULES OF APPELLATE PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable W. W. Reynoldson)

RULES OF CIVIL PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable W. W. Reynoldson)

RULES OF CRIMINAL PROCEDURE—

(See Chief Justice of the Supreme Court, The Honorable W. W. Reynoldson)

RUNNING, RICHARD V.—Representative Benton-Linn Counties

Amendments filed—462, 928, 990, 1110, 1111, 1323, 1323-1324, 1324, 1650

Amendments offered—635, 1100, 1178, 1371

Bills introduced—150, 179, 187, 192

Leave of absence—568, 1214

Petitions presented—952, 1191

Resolutions offered—113, 173-174, 245, 515-516, 572-573, 960-961, 1141-1142, 1207-1208

Subcommittee assignments—210, 211, 273, 275, 276, 277, 388, 474, 568

SCHNEKLOTH, HUGO—Representative Clinton-Scott Counties

Amendments filed—229, 242, 316, 578, 601, 642, 702, 895, 989, 990, 1110, 1149, 1238, 1285, 1448, 1484, 1714, 1761, 1774

Amendments offered—696, 697, 1068, 1199, 1301, 1463, 1714, 1753, 1774

Amendments withdrawn—1371

Bills introduced—40, 119, 150, 179, 186, 203

Committee appointments—1905

Reports—4-5, 217-218, 1057-1058

Resolutions offered—113

Subcommittee assignments—78, 79, 85, 131, 133, 134, 279, 280, 281, 388, 561, 816

SCHROEDER, LAVERNE W.—Representative Mills-Pottawattamie Counties

Amendments filed—99, 229, 242, 286, 396, 401, 413, 415, 434, 437, 493, 520, 537, 567, 642, 706, 730, 739, 757, 849, 850, 868, 895, 951, 963, 990, 1018, 1019, 1024-1025, 1109, 1110, 1111, 1119, 1149, 1183, 1212, 1237, 1238, 1259, 1268, 1278, 1284, 1285, 1322, 1323, 1323-1324, 1364, 1365, 1382, 1384, 1435, 1448, 1499-1500, 1545-1546, 1567, 1567-1568, 1662, 1698-1699, 1721, 1760, 1904

Amendments offered—290, 401, 451, 466, 503, 507, 523, 583, 715, 748, 775, 882, 884, 955, 956, 977, 1024, 1026, 1027, 1028, 1118, 1119, 1122, 1183, 1197, 1219, 1245, 1259, 1278, 1306, 1312, 1364-1365, 1408, 1435, 1455, 1483, 1484, 1487, 1499, 1545, 1561, 1567, 1650, 1661, 1662, 1683, 1698, 1721

Amendments withdrawn—401, 437, 503, 556, 748, 955, 1002, 1023, 1027, 1120, 1123, 1200, 1219, 1264, 1265, 1268, 1435, 1442, 1487, 1488, 1500, 1542, 1567, 1582

Bills introduced—55, 89, 90, 109, 148-149, 181, 190, 197, 199, 201

Bills rereferred to committees—204

Presided at sessions of the House—186, 196

Resolutions offered—113, 284-285

Subcommittee assignments—82, 83, 85, 208, 209, 210, 211, 212, 272, 273, 274, 276, 277, 278, 474, 700, 816, 927, 1210, 1903

SEATS—

Assignment of seats in press gallery—75-76, 157

SECRETARY OF STATE, Mary Jane Odell

Certificate of election—4-5, 217-218

Communications from—893, 926, 961, 1081, 1589, 2181-2186

SHULL, DOUGLAS—Representative Lucas-Marion-Warren Counties

Amendments filed—229, 242, 316, 405, 537, 1051

Amendments offered—235, 346, 448

Amendments withdrawn—235

Bills introduced—90, 91, 111, 145-146, 149, 163, 169, 179

Committee appointments—482-483

Leave of absence—821

Presented to the House, the Honorable James Middleswart, former member of the House—1526

Resolutions offered—113, 960-961

Subcommittee assignments—78, 83, 131, 137, 210, 211, 277, 278, 281, 389, 390, 474, 561, 815, 816, 1048

SIXTY-NINTH GENERAL ASSEMBLY—

(See House Concurrent Resolutions, House Resolutions, and Senate Concurrent Resolutions listed in Legislative Index Volume)

SMALLEY, DOUGLAS R.—Representative Polk County

Amendments filed—229, 242, 374, 461, 519, 642, 739, 757, 849, 895, 928, 939, 990, 993, 1051, 1110, 1238, 1285, 1323, 1324, 1374, 1375, 1376, 1412-1413, 1449, 1484, 1685

Amendments offered—646, 647, 732, 939, 1068, 1374, 1375, 1376, 1412, 1510, 1685
Amendments withdrawn—155, 647, 1376
Bills introduced—40, 170, 179, 188
Committee appointments—1769
Leave of absence—821, 1214, 1593
Resolutions offered—113, 572-573, 874, 948
Subcommittee appointments—75
Subcommittee assignments—78, 80, 84, 85, 126, 131, 132, 133, 134, 135, 136, 137, 138,
139, 205, 206, 207, 209, 211, 212, 213, 273, 274, 275, 276, 278, 280, 390, 391, 815,
816, 1047, 1048, 1210

SMITH, JOAN (JO)—Representative Scott County

Amendments filed—229, 242-243, 850, 868, 895, 990, 1238, 1323, 1324, 1443-1444, 1448
Amendments offered—1443
Bills introduced—150-151, 177
Committee appointments—5, 305
Leave of absence—1700
Presented to the House, the Honorable Ben Polk, Majority Whip, House of
Representatives of Illinois—866
Resolutions offered—113, 515-516, 572-573, 960-961
Subcommittee assignments—78, 79, 80, 81, 82, 83, 84, 124, 125, 126, 127, 129, 130, 131,
133, 134, 204, 205, 206, 207, 208, 209, 210, 211, 273, 274, 275, 276, 277, 278, 279,
280, 281, 388, 391, 700, 816, 817, 1047, 1048, 1049

**SPEAKER OF THE HOUSE—Delwyn Stromer, Representative Cerro Gordo-
Franklin-Hancock-Wright Counties**

Addressed the House—52-53, 1897-1898
Announcement, adjournment, Rule 2—1143
Appointed official delegation to attend the funeral services of the Honorable
Kenneth Miller—525
Appointments and changes announced:
Aging, Commission on—45
Compensation, Commission on—45
Confidential Records Council—45
Credentials, Committee on—3
Legislative Council—44
Standing Committees—44, 75, 93, 103, 157, 225
Subcommittees—44, 75, 162, 225, 1080
Title XX Statewide Advisory Committee—45
Bills referred to committees—1368
Bills rereferred to committees—111, 120, 172, 225, 431, 861, 1319, 1666
Bills signed by—245-246, 272, 431, 575, 680, 736, 832, 949, 961, 1187, 1524, 1588-1589,
1694, 1911
Closing message from Governor Robert D. Ray—1906-1911
Committees appointed by—5, 6, 218, 305, 544, 1058, 1905
Communications received—1
Conference committees appointed—1581, 1582, 1613, 1675, 1701, 1769
Conference committee change—1645
Final adjournment—1911
Final adjournment, 1982 Regular Session of the Sixty-ninth General Assembly,
Senate Concurrent Resolution 138—1901 adopted

Memorial committees appointed by—544, 931, 932

Official delegate to attend the funeral services of the Honorable Kenneth Miller—525

Presentation of visitors—103-104, 404, 442, 599, 640, 700, 736, 753-754, 815, 832-833, 866, 893, 926, 962, 987-988, 1016, 1081, 1107-1108, 1144-1145, 1209, 1237, 1283, 1321-1322, 1381, 1448, 1526, 1549, 1589-1590, 1646-1647, 1694, 1759-1760

Presented with gift—1855

Presided at sessions of the House—1, 3, 9, 36, 51, 72, 88, 100, 103, 108, 117, 145, 151, 162, 169, 176, 182, 186, 217, 219, 230, 232, 234, 244, 245, 249, 260, 287, 305, 312, 317, 320, 321, 323, 363, 369, 375, 376, 397, 406, 411, 435, 445, 463, 466, 479, 489, 494, 521, 526, 538, 543, 557, 568, 579, 602, 607, 611, 643, 651, 661, 685, 686, 703, 704, 707, 741, 749, 753, 758, 767, 768, 775, 777, 790, 821, 836, 842, 851, 861, 869, 874, 882, 897, 904, 929, 952, 954, 964, 966, 973, 991, 996, 997, 1003, 1020, 1053, 1084, 1112, 1143, 1150, 1154, 1155, 1165, 1191, 1192, 1214, 1220, 1230, 1239, 1244, 1261, 1276, 1287, 1290, 1293, 1318, 1326, 1364, 1369, 1376, 1385, 1401, 1412, 1450, 1462, 1465, 1477, 1482, 1485, 1502, 1505, 1513, 1528, 1539, 1540, 1552, 1570, 1581, 1593, 1608, 1644, 1651, 1657, 1674, 1697, 1698, 1704, 1715, 1729, 1738, 1746, 1750, 1755, 1762, 1793, 1855, 1863, 1904

Remarks by—52-53, 1897-1898

Resolution offered—113

Resolutions relating to:

House Concurrent Resolution 1—6-7 adopted

House Concurrent Resolution 111—285, 287 adopted

Rulings made—324, 328, 381, 408, 441, 467, 524, 528, 548, 550, 554, 584, 586, 595, 596, 629, 633, 666, 668, 698, 717, 782, 799, 801, 803, 810, 811, 812, 813, 821, 822, 825, 842, 863, 887, 934, 942, 960, 1007, 1022, 1023, 1025, 1026, 1027, 1028, 1069, 1085, 1089, 1090, 1114, 1120, 1123, 1152, 1166, 1198, 1200, 1203, 1205, 1217, 1222, 1250, 1253, 1260, 1368, 1373, 1403, 1410, 1487, 1499, 1519, 1555, 1558, 1601, 1683, 1719, 1721, 1723, 1732, 1743, 1750, 1754, 1768, 1770, 1774, 1786, 1791, 1794

Ruling of the chair challenged—324, 1123

Ruling, Senate File 2084, point of order, Section 457.2 of Mason's Manual of Legislative Procedure—782

Special presentation to House Pages—749-750, 1596-1597

SPEAKER PRO TEMPORE, Lester D. Menke—Representative Buena Vista-Cherokee-Clay-O'Brien-Plymouth Counties

(See Menke, Lester D.—Representative Buena Vista-Cherokee-Clay-O'Brien-Plymouth Counties, Speaker Pro Tempore)

SPEAR, CLAY—Representative Des Moines-Lee Counties

Amendments filed—144, 216, 228, 229, 242, 248, 257-259, 295, 304, 316, 368, 373, 381, 396, 401, 405, 434, 444, 461, 493, 508, 567, 578, 601, 642, 706, 739, 757, 820, 835, 895, 928, 951, 963, 1007, 1013, 1019, 1052, 1082, 1083, 1097, 1110, 1111, 1162, 1173, 1238, 1284, 1285, 1316, 1322, 1323, 1382, 1484, 1519, 1520, 1592, 1688, 1721, 1721-1722, 1722, 1750

Amendments offered—253, 255, 257, 294, 295, 383, 384, 385, 410, 424, 451, 454, 467, 498, 506, 508, 656, 665, 720, 765, 854, 856, 860, 888, 937, 938, 1007, 1008, 1013, 1027, 1036, 1042, 1043, 1063, 1097, 1099, 1101, 1152, 1153, 1155, 1161, 1178, 1218, 1234, 1269, 1270, 1273, 1274, 1311, 1312, 1316, 1486, 1487, 1519, 1537, 1604, 1688, 1721, 1722, 1750

Amendments withdrawn—259, 381, 398, 424, 508, 938, 1007, 1039, 1043, 1162, 1366, 1520, 1721
Bills introduced—38, 56, 73, 102, 109, 111, 119, 179, 188, 190, 192, 196
Committee appointments—218, 482-483, 931
Petitions presented—51, 88
Resolutions offered—113, 173, 515-516, 960-961, 1207-1208
Subcommittee assignments—127, 129, 135, 204, 273, 274, 279, 388, 390

SPECIAL COMMITTEES—

(See Committees, Special)

SPECIAL PRESENTATION—

Easter Seal Child for 1982, Denise Shieler—643
George Mills, Legislative Reporter, WHO-TV—1862
Giancarla Codrignani, Independent member of the Italian Parliament, Bologna, Italy—1125
House and Senate Pages presented check to the cancer society in memory of the Honorable Kenneth Miller—1150
House Pages—749-750, 1596-1597
Iowa's Junior Miss for 1982, Julie Kuhlman—103
Iowa's Reading Teacher of the Year, Dottie Heering, Waverly-Shell Rock Community School District—1485
Michelle Holdorf, Donahue—1287-1288
Miss Teenworld for 1982, Cara Lyn Klein—1698
Ni Kung-Chao, Director of the Chinese Information Service; General Stephen S.F. Chen, Director of the Coordination Council for North American Affairs, Republic of China and William Sun, Director of the Commercial Division of the Coordination Council—1488
Program by Barbara Rowe, Elmhurst, Illinois, portrayed Susan B. Anthony—874
Queen of the 1982 Pella Tulip Festival, Nancy Thies—1410
U.S.S.R National Wrestling Team—1410

SPONSORS (bills and amendments)—

Added:

House Concurrent Resolution 103-Representative De Groot—680
House Concurrent Resolution 121-Representatives Baxter and Spear—865
House Concurrent Resolution 135-Representative Van Maanen—1105
House File 137-Representative Clements—103
House File 2015-Representatives Petrick, Hall and Running—93
House File 2015-Representative Oxley—103
House File 2023-Representative Danker—103
House File 2030-Representative Trucano—58
House File 2035-Representative Petrick—75
House File 2035-Representative Davitt—114
House File 2039-Representative McKean—58
House File 2041-Representative Mullins—157
House File 2051-Representative Dieleman—93
House File 2132-Representative Danker—165
House File 2149-Representatives Pavich, Tofte, Woods, and Krewson—165
House File 2157-Representative Mann—166
House File 2171, H-5058 as amended-Representative Pope—364

House File 2213-Representative Trucano—225

House File 2213-Representative Renaud—226

House File 2271-Representative Rosenberg—387

House Joint Resolution 2002-Representative Pope—534

House Joint Resolution 2002-Representatives Danker and Van Maanen—560

House Joint Resolution 2002-Representatives Mann and Maulsby—831

House Joint Resolution 2002-Representatives Tyrrell and Pellett—832

House Joint Resolution 2002-Representative Smalley—848

House Joint Resolution 2002-Representative Johnson of Linn—865

Senate File 2132, H-5584-Representatives Krewson, Ritsema, Mann,
Rosenberg, Fey, Baxter, Pelton, Arnould, Doderer, O'Kane, Bruner, and
Howell—1079

Senate File 2218, H-5698-Representative Mullins—1321

Withdrawn:

House Concurrent Resolution 146-Representative Renaud—1693

House File 2171, H-5058 as amended-Representative Davitt—364

STANDING COMMITTEES—

Appointments—44, 103, 638, 1080

Changes in appointments—44, 75, 93

STATE APPEAL BOARD—

(Maurice E. Baringer, Chairman)

Claims approved—59-67

Claims disapproved—68-70, 93-94, 474, 1208-1209, 1648

Communications from, stating claims filed with—68-70, 93-94, 473-474, 1208-1209,
1525, 1647-1648

STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—161, 478, 702, 789, 1051, 1189

Amendments offered—224, 1059, 1087, 1125, 1328

Appointed—44

Bills introduced—117, 370, 376, 490, 538, 539, 569, 580, 644, 703, 759, 768

Recommendations—116, 160, 368, 395, 444, 478, 536, 578, 641, 702, 756, 788, 1018,
1051, 1147-1148, 1189, 1781, 1785

Resolution offered—749

Subcommittee assignments—83, 84, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133,
134, 135, 136, 137, 138, 204, 205, 206, 207, 208, 210, 212, 272, 273, 274, 275, 276,
277, 278, 279, 280, 281, 388, 390, 391, 815, 816, 817, 927, 1048, 1049

STATE OF THE STATE MESSAGE—

(See Condition of the State Message)

STROMER, DELWYN—

(See Speaker of the House—Delwyn Stromer, Representative Cerro Gordo-
Franklin-Hancock-Wright Counties)

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—77, 183, 403, 457, 535, 682

Cities—272, 387, 576

Commerce—77, 97, 106, 114, 158, 228, 372, 443, 535, 576, 737, 785

County Government—96, 97, 114, 115, 247, 458, 737, 754, 785
 Education—50, 71, 95, 96, 122, 160, 166, 182, 227, 240, 246, 247, 372, 387, 388, 457, 492, 560, 682, 754
 Energy—240, 314, 457
 Human Resources—71, 97, 158, 314, 457, 517, 754, 785
 Judiciary and Law Enforcement—49, 50, 71, 77, 105, 106, 114, 115, 122, 158-159, 166, 183, 228, 239, 240, 247, 303, 313, 314, 315, 372, 387, 388, 403, 432, 443, 457, 458, 492, 560, 561, 705, 754
 Labor and Industrial Relations—314, 372
 Natural Resources—114, 158, 159, 241, 432, 457, 640, 705
 State Government—71, 97, 106, 115, 122, 158, 160, 166, 183, 240, 314, 432, 493, 560, 576
 Transportation—122, 247, 271, 372, 517, 535, 576, 681, 682, 737
 Ways and Means—71, 104, 105, 240, 247, 272, 314, 432, 534, 535, 640, 681, 755, 815, 834, 1145, 1648, 1694

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assignments—85-87, 139-142, 213-215, 281-284, 392-395, 475-476, 561-563, 701, 817-818

STUDY COMMITTEES—

(Also see Legislative Council)

House Concurrent Resolution 120, county compensation bd.—574
 House Concurrent Resolution 125, comparative & contributory negligence, tort actions—734-735
 House Concurrent Resolution 126, public retirement systems—749
 House Concurrent Resolution 136, unemployment compensation fund insolvency—965-966
 House Concurrent Resolution 137, update & clarify provisions, ch. 297 (purchase & sale of prop., school districts)—986-987
 House Concurrent Resolution 140, decreases, student loans & grants—1141-1142
 House Concurrent Resolution 141, eliminate pay discrimination—1281-1282
 House Concurrent Resolution 142, practice of nursing—1411-1412, 1550
 House Concurrent Resolution 145, soil conservation laws & rules—1532-1533
 House Concurrent Resolution 146, school districts determine policy, controversial educational issues—1569-1570, 1693
 House Concurrent Resolution 147, Constitution of Iowa—1570
 House Concurrent Resolution 148, school foundation program, improve—1607-1608
 House Concurrent Resolution 149, legislative procedures—1652-1653
 House Concurrent Resolution 152, interstate grain compact—1899-1900
 Senate Concurrent Resolution 136, review tax structure, st. & political subdivision revenue sources—1783, 1784-1785, 1796 adopted
 Senate Concurrent Resolution 137, resolutions calling for studies not adopted delivered to Leg. Council, determine priorities and authorize studies—1800, 1810-1811 adopted

STUELAND, VICTOR (VIC)—Representative Cedar-Clinton-Johnson-Scott Counties

Amendments filed—229, 242-243, 868, 990, 1082, 1212, 1238, 1285, 1323, 1324

Amendments offered—1278

Amendments withdrawn—1372, 1375

Bills introduced—90

Committee appointments—1613

Presented to the House, Dick and Mary Hahn of Walcott, recipients of the National Farm Bureau Outstanding Young Farm Couple award—227

Presented to the House, Michelle Holdorf, Donahue—1287-1288

Reports—1816-1853

Resolutions offered—113, 515-516

Subcommittee appointments—44

Subcommittee assignments—79, 80, 81, 82, 84, 134, 206, 207, 209, 279, 280, 281, 391, 817, 1049, 1210

STURGEON, ALLAN (AL)—Representative Woodbury County

Amendments filed—216, 229, 444, 757, 789, 820, 895, 951, 990, 1052, 1173, 1573, 1576, 1737, 1737-1738

Amendments offered—903, 1573, 1737

Amendments withdrawn—1576

Bills introduced—57, 111, 118, 119, 164, 177, 192, 196, 200

Committee appointments—932

Leave of absence—1215

Resolutions offered—113, 173, 173-174, 245, 515-516, 572-573, 931, 1141-1142, 1207-1208

Subcommittee assignments—78, 79, 82, 83, 133, 138, 211, 273, 274, 277, 391, 561, 817, 1047, 1049, 1210

SUBCOMMITTEE APPOINTMENTS—

Appropriations—44, 162, 225, 1080

SUBCOMMITTEE ASSIGNMENTS—

Assignments—78-85, 123-139, 204-213, 272-281, 388-392, 474-475, 561, 700, 815-817, 927, 1046-1049, 1210, 1526, 1903

SULLIVAN, WILLIAM R.—Representative Henry-Jefferson-Keokuk-Lee-Van Buren-Wapello-Washington Counties

Amendments filed—216, 519, 520, 537, 566-567, 757, 1051, 1149, 1173, 1323

Amendments offered—594, 1251

Bills introduced—57, 90, 111, 118, 119, 181, 190, 192, 196

Committee appointments—932, 1613

Leave of absence—217, 1214

Resolutions offered—113, 515-516, 572-573, 932, 960-961, 1141-1142, 1207-1208

Subcommittee assignments—129, 208, 209, 274, 815, 1210

SUPREME COURT OF IOWA—

(See Chief Justice of the Supreme Court, W. W. Reynoldson)

SWARTZ, THOMAS (TOM)—Representative Marshall County

Amendments filed—216, 229, 493, 537, 684, 757, 1173, 1212, 1323, 1448, 1718-1719, 1720, 1729

Amendments offered—523, 1226, 1718, 1720

Amendments withdrawn—1729

Bills introduced—57, 111, 118, 170, 171, 181, 192, 193, 196, 200, 203

Committee appointments—482, 1769
Leave of absence—1214, 1296
Petitions presented—1191
Resolutions offered—113, 173, 245, 572-573, 960-961, 1141-1142, 1207-1208, 1692-1693
Subcommittee assignments—81, 206, 210, 212, 213, 272, 274, 280, 474, 1047

SWEARINGEN, GEORGE R.—Representative Keokuk-Washington Counties

Amendments filed—242, 434, 519, 600, 601, 706, 757, 820, 868, 895, 928, 963, 1110,
1149, 1285, 1323-1324, 1324
Amendments offered—717, 857, 858, 1056, 1125, 1155, 1329
Bills introduced—113, 181, 188, 201
Committee appointments—10, 44, 1581
Reports—1876-1892
Resolutions offered—113, 960-961
Subcommittee assignments—78, 79, 80, 81, 82, 83, 123, 124, 125, 126, 127, 128, 129,
130, 131, 134, 135, 136, 137, 138, 204, 205, 207, 208, 209, 276, 278, 281, 475, 561,
700, 927, 1047, 1048

TITLE XX STATEWIDE ADVISORY COMMITTEE—

Appointments to—45

TOFTE, SEMOR C.—Representative Fayette-Howard-Winneshiek Counties

Amendments filed—242, 519, 601, 868, 1484, 1685, 1686, 1698-1699
Amendments offered—252, 1534
Bills introduced—113, 181
Committee appointments—1581
Leave of absence—375, 999, 1053, 1084, 1385
Official delegate to attend the funeral services of the Honorable Kenneth
Miller—525
Reports—1876-1892
Resolutions offered—874, 960-961
Subcommittee assignments—78, 83, 84, 123, 124, 125, 126, 127, 128, 129, 130, 131,
134, 135, 136, 138, 205, 206, 208, 210, 273, 274, 275, 276, 277, 278, 279, 281, 388,
391, 474, 927, 1047, 1048

TRANSPORTATION, COMMITTEE ON—

Amendments filed—566, 1051, 1148
Amendments offered—611, 1029
Appointed—44, 75, 225, 1080
Bills introduced—191, 238, 526, 570, 580, 607, 608, 768, 846
Recommendations—144, 185, 241-242, 395, 518-519, 565-566, 600, 683, 739, 788, 849,
1051, 1148, 1189, 1211-1212, 1591
Subcommittee assignments—82, 83, 85, 134, 135, 136, 137, 207, 208, 209, 210, 273,
274, 277, 278, 279, 281, 474, 475, 561, 816, 1903

TRUCANO, JO ANN—Representative Polk County

Amendments filed—229, 242, 267, 396, 461, 462, 601, 628, 637, 849, 928, 1074, 1110,
1238, 1323-1324, 1484
Amendments offered—628, 637, 970, 1073
Bills introduced—89, 101, 110, 163, 170, 177, 179, 194, 200, 201
Committee appointments—1673

Leave of absence—1214

Petitions presented—369, 685

Presented to the House, Beth Birmingham and Kelly Gee, Oak Park Elementary School, Des Moines—404

Reports—1801-1803

Resolutions offered—113, 515-516, 572-573, 948, 948-949, 960-961, 986-987, 1079, 1691-1692

Subcommittee assignments—84, 123, 125, 128, 129, 131, 135, 136, 138, 204, 205, 206, 207, 208, 210, 211, 212, 213, 274, 275, 276, 278, 280, 392, 474, 817, 1047, 1048, 1049

TYRRELL, PHILLIP E.—Representative Benton-Iowa-Johnson-Keokuk-Poweshiek Counties

Amendments filed—107, 229, 242, 373, 380, 537, 566, 834, 868, 895, 989, 1019, 1051, 1110, 1323, 1324, 1720, 1721, 1732, 1760, 1761, 1904

Amendments offered—380, 587, 877, 901, 999, 1006, 1022, 1104, 1175, 1176, 1720

Amendments withdrawn—555, 878, 1074, 1721, 1732

Bills introduced—37, 38, 39, 57, 179, 181

Committee appointments—103

Resolutions offered—113, 515-516, 760-761, 874, 1569-1570

Subcommittee assignments—80, 81, 82, 84, 85, 127, 129, 209, 273, 274, 275, 277, 278, 280, 388

UNANIMOUS CONSENT—

Add an addendum of Page 2 to the daily debate calendar, March 12, 1982—767

Discontinue printing of bills on regular calendar no longer eligible under Joint Rule 18—1411

House File 2363—808

House File 2437—899

House File 2481—1651

House File 2485—1581

House File 2489—1581

House File 2490—1651

House File 2491—1651

House File 2493—1657

House File 2494—1657

House File 2495—1697

House File 2497—1772

House Joint Resolution 2003—1651

Senate File 268—1319

Senate File 2215—1316

Senate File 2220—1319

Senate File 2253—1318

Senate File 2278—1318

Senate File 2292—1597

Senate File 2297—1581

Senate File 2303—1651

UNANIMOUS CONSENT TO VOTE—

House File 396-Representative Connors—270

House File 777-Representative Avenson—1623

House File 2365-Representative Lonergan—673
 House File 2398-Representative Connors—846
 House File 2424-Representative Connors—846
 House File 2474-Representative Smith—1402
 House File 2482-Representative Avenson—1461
 House File 2485-Representative Connors—1613
 House File 2494-Representative Tofte—1687
 Senate File 2091, H-5610-Representative McKean—1489
 Senate File 2247-Representative Poffenberger—1293
 Senate File 2313-Representative Jochum—1816

Vote change:

Senate File 579, H-5349B-Representative Byerly—804

VAN MAANEN, HAROLD—Representative Keokuk-Lucas-Mahaska-Marion-Monroe-Poweshiek Counties

Amendments filed—229, 242, 434, 444, 448, 450, 684, 691, 880, 895, 1018, 1149, 1324, 1542, 1711

Amendments offered—447, 448, 449, 690, 880, 1542, 1711

Amendments withdrawn—449

Bills introduced—38, 110, 145, 150, 179

Petitions presented—1287

Resolutions offered—113, 572-573

Subcommittee assignments—80, 208, 274

VISITORS—

Presentation of—103-104, 227, 304, 404, 431, 442, 456, 599, 640, 700, 736, 753-754, 815, 832-833, 893, 951, 962, 987-988, 1016, 1046, 1081, 1107-1108, 1144-1145, 1209, 1237, 1283, 1321-1322, 1381, 1448, 1482, 1526, 1549, 1589-1590, 1646-1647, 1694, 1759-1760

VOTES—

Roll Call:

Non-record—259, 295, 323, 324, 359, 364, 401, 409, 438, 448, 451, 452, 455, 469, 499, 506, 507, 508, 510, 511, 514, 523, 529, 532, 548, 552, 557, 558, 559, 586, 594, 596, 653, 661, 670, 695, 698, 730, 731, 733, 752, 775, 782, 801, 822, 829, 838, 842, 854, 856, 863, 873, 877, 878, 879, 880, 903, 924, 934, 942, 943, 956, 958, 959, 960, 966, 985, 986, 997, 999, 1007, 1013, 1025, 1027, 1068, 1071, 1097, 1104, 1121, 1123, 1154, 1165, 1166, 1168, 1171, 1174, 1178, 1180, 1183, 1185, 1193, 1205, 1217, 1222, 1224, 1225, 1226, 1230, 1232, 1234, 1245, 1253, 1262, 1263, 1277, 1279, 1280, 1291, 1300, 1373, 1441, 1454, 1478, 1500, 1505, 1542, 1568, 1577, 1581, 1600, 1604, 1605, 1617, 1636, 1645, 1672, 1683, 1717, 1720, 1724, 1725, 1726, 1730, 1733, 1734, 1750, 1751, 1754, 1791, 1792, 1796, 1854, 1874

Record—237, 328, 345, 346, 355, 357, 359, 360, 361, 363, 386, 400, 496, 540, 541, 550, 558, 571, 587, 588, 593, 595, 597, 604, 634, 636, 649, 653, 660, 776, 778, 779, 780, 803, 809, 825, 843, 844, 891, 957, 967, 972, 1001, 1156, 1159, 1162, 1164, 1167, 1170, 1172, 1173, 1175, 1181, 1183, 1184, 1203, 1223, 1230, 1232, 1244, 1250, 1258, 1261, 1279, 1291, 1300, 1370, 1371, 1395, 1396, 1445, 1458, 1469, 1478, 1488, 1504, 1520, 1543, 1556, 1558, 1559, 1571, 1573, 1575, 1635, 1685, 1712, 1714, 1716, 1723, 1727, 1728, 1735, 1738, 1740, 1743, 1747, 1749, 1750, 1766, 1768, 1770, 1786, 1794, 1861, 1894

WALTER, MARCIA K.—Representative Pottawattamie County

Amendments filed—990, 1173

Bills introduced—57

Committee appointments—10

Leave of absence—145, 479, 494, 521, 741, 758, 821, 851, 875, 1179, 1239, 1290

Resolutions offered—113, 313, 515-516, 1207-1208

Subcommittee assignments—127, 129, 277, 279, 280, 281, 391, 474

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—373, 434, 684, 895, 989, 1284, 1696

Amendments offered—426, 807, 1034, 1068, 1242, 1405, 1772

Appointment to—638

Bills introduced—164-165, 370, 403, 471, 472, 568, 569, 570, 686, 792, 991, 1239, 1378-1379, 1502, 1644, 1690

Recommendations—161, 175, 433, 460-461, 789, 894-895, 988-989, 1283-1284, 1381-1382, 1483, 1591, 1650, 1695-1696

Subcommittee assignments—131, 132, 133, 134, 135, 137, 138, 207, 208, 210, 211, 388, 389, 390, 391, 392, 561, 566, 683-684

WELDEN, RICHARD W.—Representative Franklin-Hardin-Wright Counties

Amendments filed—232, 242, 444, 446, 449, 493, 895, 1019, 1448, 1484, 1685, 1717, 1733, 1741, 1744

Amendments offered—232, 659, 900, 943, 1217, 1533, 1685, 1704, 1717, 1733, 1744

Amendments withdrawn—232

Bills introduced—40, 57, 91

Committee appointments—1905

Leave of absence—397, 1290

Resolutions offered—113, 515-516

Subcommittee appointment—162

Subcommittee assignments—390, 391

WELSH, JOSEPH J. (JOE)—Representative Dubuque-Jackson Counties

Amendments filed—216, 374, 519, 520, 537, 566, 566-567, 601, 697, 757, 849, 850, 896, 1019, 1148, 1149, 1169, 1173, 1323, 1324, 1484, 1650, 1732, 1744

Amendments offered—697, 810, 853, 900, 1168, 1245, 1732, 1744

Amendments withdrawn—582, 765, 810, 1168

Bills introduced—57, 111, 146-147, 181, 190, 192, 193, 196, 198, 201

Committee appointments—6, 1701

Reports—1804-1809

Resolutions offered—113, 515-516, 1141-1142, 1207-1208, 1900-1901

Subcommittee assignments—78, 126, 131, 132, 134, 135, 136, 137, 138, 205, 206, 207, 209, 211, 212, 213, 274, 275, 276, 277, 278, 280, 281, 391, 815, 816, 1047, 1048, 1049, 1210, 1903

WOODS, JACK E.—Representative Polk-Warren Counties

Amendments filed—396, 537, 566, 578, 684, 895, 928, 990, 1051, 1238, 1323

Amendments offered—585, 586, 1088

Bills introduced—146, 177, 179, 181

Leave of absence—1214

Resolutions offered—113, 515-516, 948, 1141-1142, 1207-1208

Subcommittee assignments—78, 79, 80, 81, 82, 83, 84, 85, 123, 124, 125, 127, 129, 134, 135, 136, 204, 205, 206, 210, 211, 273, 274, 275, 276, 277, 278, 280, 281, 388, 391, 474, 816, 817